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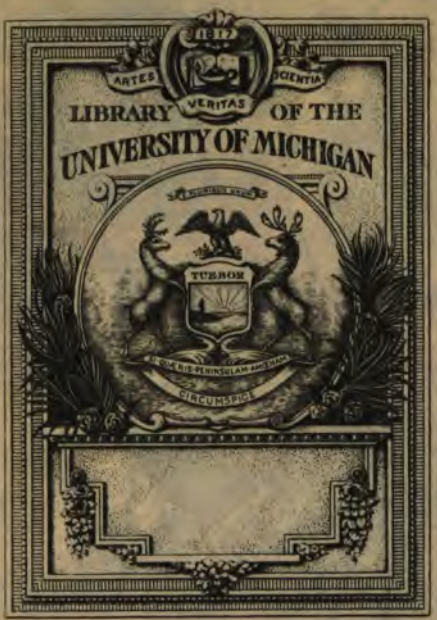
GEORGE W. PATTERSON

Geo. W. Patterson,

WESTFIELD, N. Y.

No 59



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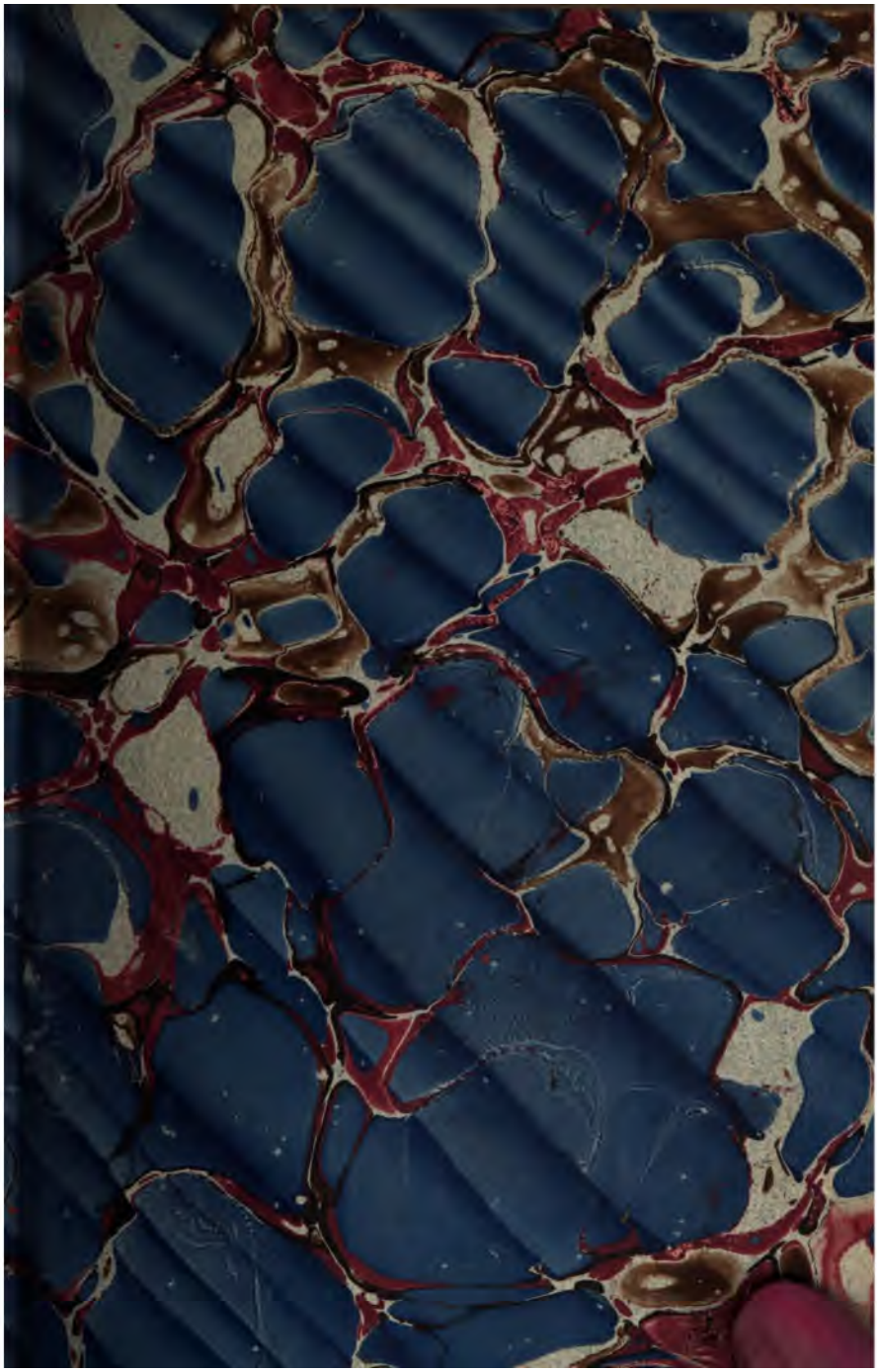
Mrs. G.W. Patterson



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MANUAL

FOR THE

USE OF THE CONVENTION TO REVISE THE

CONSTITUTION

OF THE

STATE OF NEW YORK,

CONVENED AT ALBANY, JUNE 1, 1846.

PREPARED PURSUANT TO ORDER OF THE CONVENTION, BY THE SECRETARIES, UNDER SUPERVISION OF A SELECT COMMITTEE.

NEW YORK:

WALKER AND CRAIGHEAD, 114 FULTON STREET.

1846.

ENTERED according to Act of Congress, in the year 1846, by

WALKER & CRAIGHEAD,

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GIFT
MRS. G. W. PATTERSON
11-25-1931

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OFFICERS.

PRESIDENT OF THE CONVENTION.

JOHN TRACY.

SECRETARIES.

JAMES F. STARBUCK,
HENRY W. STRONG,
FRANCIS SEGER.

OTHER OFFICERS OF THE CONVENTION.

HIRAM ALLEN, *Sergeant-at-Arms.*

HEMAN R. HOWLETT, *Door-Keeper.*

WILLIAM S. ROSS, 1*st Assistant Door-Keeper.*

FRANCIS BRADT, 2*d* *do.* *do.*

JABEZ LEWIS, 3*d* *do.* *do.*

ABNER N. BEARDSLEY, *Librarian.*

THOMAS B. CARROLL and ALANSON COOK, *Printers.*

REPORTERS FOR THE PUBLIC PRESS,

Having seats on the floor by order of the Convention.

SHERMAN CROSWELL, RICHARD SUTTON, } *For Albany Argus.*

WILLIAM H. ATTREE, WILLIAM G. BISHOP, } *For Albany Atlas.*

WILLIAM H. HILL, FRANCIS S. REW, } *For Evening Journal.*

WILLIAM H. BOGART, *for New York Courier and Enquirer.*

WILLIAM LYON MACKENZIE, *for New York Tribune.*

WILLIAM LACY, *for Albany Citizen, and El. Mag. Telegraph.*

THOMAS B. CARROLL, *for Troy Budget.*

HUGH J. HASTINGS, *for Albany Knickerbocker.*

CALENDAR

FOR

1846.

MONTH.	Sunday.	Monday	Tuesday	Wednes.	Thursd.	Friday.	Saturd.
Jan.	. .	. .	. .	. .	1	2	3
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	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	31
Feb.	1	2	3	4	5	6	7
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	15	16	17	18	19	20	21
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	31						
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MONTH.	Sunday.	Monday	Tuesday	Wednes.	Thursd.	Friday.	Saturd.
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	30	31					
Sept.	. .	. .	1	2	3	4	5
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	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
	27	28	29	30			
Oct'br.	. .	. .	. .	. .	. .	1	2
	3	4	5	6	7	8	9
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	17	18	19	20	21	22	23
	24	25	26	27	28	29	30
	31						
Nov'r.	1	2	3	4	5	6	7
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	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30					
Decbr.	. .	. .	1	2	3	4	5
	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
	27	28	29	30	31		

LIST OF DELEGATES *to the New York State Convention, held in the year* 1846, *to revise the Constitution of the State, arranged according to alphabetical order of the counties represented by them; with their several Places of Nativity, Ages, Condition in Life, Profession or Occupation; and the foreign Country from which their Ancestors emigrated to this country.*

Names of Members of the Convention of 1846.	*Representing what County.*	PLACE OF BIRTH.			*Age.*	*Condition in Life.*	*Profession or Occupation.*	FROM WHAT EUROPEAN OR FOREIGN KINGDOM OR COUNTRY THEIR ANCESTORS CAME.	
		City or Town.	*County.*	*State or Country.*				*Paternal.*	*Maternal.*
Horace K. Willard,	Albany,	Catskill,	Greene,	New York,	39	Married,	Physician,	England,	Germany.
Benjamin Stanton,	Albany,	Westerlo,	Albany,	New York,	49	Married,	Farmer,	England,	England.
Lea Harris,	Albany,	Charleston,	Montgomery,	New York,	43	Widower,	Lawyer,	England,	Scotland.
Peter Shaver,	Albany,	New Scotland,	Albany,	New York,	50	Married,	Farmer,	Germany,	Germany.
William G. Angel,	Allegany,	N. Shoreham,	Newport,	Rhode Island,	56	Married,	Lawyer & Far.	Wales,	Scotland.
Calvin T. Chamberlain,	Allegany,	Mount Vernon,	Kennebeck,	Maine,	50	Married,	Merch't & Far.	England,	
John Hyde,	Broome,	Lisle,	Broome,	New York,	50	Married,	Farmer,	England,	England.
George A. S. Crooker,	Cattaraugus,	Lexington,	Greene,	New York,	48	Married,	Lawyer,	England,	England.
Alonzo Hawley,	Cattaraugus,	Moreau,	Saratoga,	New York,	38	Married,	Merchant,	England,	England.
Daniel John Shaw,	Cayuga,		Antrim,	Ireland,	53	Married,	Farmer,	England,	Scotland.
Peter Yawger,	Cayuga,	Amwell,	Hunterdon,	New Jersey,	58	Married,	Farmer,	Germany,	
Elisha W. Sheldon,	Cayuga,	Claremont,	Sullivan,	N. Hampshire,	45	Married,	Farmer,	England,	England.
George W. Patterson,	Chautauque,	Londonderry,	Rockingham,	N. Hampshire,	46	Married,	Farmer,	Ireland,	Ireland.
Richard P. Marvin,	Chautauque,	Fairfield,	Herkimer,	New York,	42	Married,	Lawyer,	England,	
William Maxwell,	Chemung,	Athens,	Bradford,	Pennsylvania,	52	Married,	Lawyer & Far.	Ireland,	Holland.
John Tracy,	Chenango,	Franklin,	New London,	Connecticut,	62	Married,	Farmer,	England,	England.
Lemuel Stetson,	Clinton,	Champlain,	Clinton,	New York,	42	Married,	Lawyer,	England,	England.
Ambrose L. Jordan,	Columbia,	Hillsdale,	Columbia,	New York,	57	Married,	Lawyer,	England,	Ireland.
George C. Clyde,	Columbia,	Cherry Valley,	Otsego,	New York,	43	Married,	Far.& Lawyer,	Scotland,	Scotland.
John Miller,	Cortland,	Amenia,	Dutchess,	New York,	68	Widower,	Farmer,	England,	
David S. Waterbury,	Delaware,	Ballston,	Saratoga,	New York,	46	Married,	Farmer,	England,	
Isaac Burr,	Delaware,	Meredith,	Fairfield,	Connecticut,	65	Married,	Surveyor,	England,	Wales.
Peter K. Dubois,	Dutchess,	Pleasant Val'y,	Dutchess,	New York,	50	Married,	Farmer,	France,	
Charles H. Ruggles,	Dutchess,	New Milford,	Litchfield,	Connecticut,	57	Widower,	Lawyer,	England,	England.
James Tallmadge,	Dutchess,	Stanford,	Dutchess,	New York,	66	Widower,	Lawyer & Far.	England,	England.

LIST OF DELEGATES TO THE NEW YORK STATE CONVENTION.—(*Continued.*)

Names of Members of the Convention of 1846.	*Representing what county.*	PLACE OF BIRTH.			*Age.*	*Condition in Life.*	*Profession or Occupation.*	FROM WHAT EUROPEAN OR FOREIGN KINGDOM OR COUNTRY THEIR ANCESTORS CAME.	
		City or Town.	*County.*	*State or Country.*				*Paternal.*	*Maternal.*
Absalom Bull,	Erie,	Montgomery,	Orange,	New York,	48	Married,	Lawyer,	England,	England.
Amos Wright,	Erie,	Hanover,	Grafton,	N. Hampshire,	52	Married,	Merchant,	England,	England.
Aaron Salisbury,	Erie,	Shaftesbury,	Bennington,	Vermont,	58	Married,	Farmer,	England,	England.
Horatio J. Stow,	Erie,	Lowville,	Lewis,	New York,	36	Married,	Lawyer,	England,	England.
George A. Simmons,	Essex,	Lyme,	Grafton,	N. Hampshire,	55	Married,	Lawyer,	England,	England.
Joseph R. Flanders,	Franklin,	Bradford,	Orange,	Vermont,	31	Married,	Lawyer,	Belgium,	Ireland.
John L. Hutchinson,	Fulton,	Johnstown,	Montgomery,	New York,	48	Married,	Farmer,	England,	Ireland.
Samuel Richmond,	Genesee,	Ledyard,	Cayuga,	New York,	43	Married,	Farmer,	Wales,	Ireland.
Moses Taggart,	Genesee,	Colerain,	Franklin,	Massachusetts,	46	Married,	Lawyer,	Ireland,	Ireland.
James Powers,	Greene,	Cannan,	Columbia,	New York,	59	Widower,	Lawyer,	Ireland,	Ireland.
Robert Dorlon,	Greene,	Hempstead,	Queens,	New York,	62	Married,	Lawyer,	England,	England.
Michael Hoffman,	Herkimer,	Clifton Park,	Saratoga,	New York,	58	Married,	Lawyer,	Germany,	Ireland.
Arphaxed Loomis,	Herkimer,	Winchester,	Litchfield,	Connecticut,	48	Married,	Lawyer,	England,	England.
Elihu M. McNeil,	Jefferson,	Henderson,	Hampshire,	Massachusetts,	48	Married,	Farmer,	Scotland,	England.
Alpheus S. Greene,	Jefferson,	Johnston,	Providence,	Rhode Island,	50	Single,	Physician,	England,	
Azel W. Danforth,	Jefferson,	Middlebury,	Middlebury,	Vermont,	52	Married,	Farmer,	England,	
Conrad Swackhamer,	Kings,	White House,	Hunterdon,	New Jersey,	31	Married,	Mechanic,	Germany,	England.
Tunis G. Bergen,	Kings,	Brooklyn,	Kings,	New York,	40	Married,	Farmer,	Holland,	Holland.
Henry C. Murphy,	Kings,	Brooklyn,	Kings,	New York,	35	Married,	Lawyer,	Ireland,	England.
Russell Parish,	Lewis,	Branford,	New Haven,	Connecticut,	56	Married,	Lawyer,	England,	England.
William H. Spencer,	Livingston,	East Haddam,	Middlesex,	Connecticut,	63	Married,	Farmer,		
Allen Aymault,	Livingston,	Sandersfield,	Berkshire,	Massachusetts,	52	Married,	Bank. & Farm.	France,	
Federal Dana,	Madison,	Holland,	Hampden,	Massachusetts,	57	Married,	Farmer,	France,	England.
Benjamin F. Bruce,	Madison,	Lenox,	Madison,	New York,	34	Married,	Farmer,	Scotland,	Germany.
Enoch Strong,	Monroe,	Salisbury,	Litchfield,	Connecticut,	63	Married,	Farmer,	England,	England.
Harry Backus,	Monroe,	Poultney,	Rutland,	Vermont,	52	Married,	Furnace-man,	England,	
Frederick F. Backus,	Monroe,	Bethlem,	Litchfield,	Connecticut,	51	Married,	Physician,	England,	
John Bowdish,	Montgomery,	Charleston,	Montgomery,	New York,	38	Married,	Merch't & Far.	England,	England.
John Nellis,	Montgomery,	Palatine,	Montgomery,	New York,	49	Married,	Lawyer & Far.	Germany,	Germany.

Wm. S. Conely,	New York,	New York,	New York,	New York,	47	Married,	Mechanic,	Ireland,	England.
Solomon Townsend,	New York,	Oyster Bay,	Queens,	New York,	40	Single,	Merchant,	England,	Ireland.
George S. Mann,	New York,	Oxford,	Grafton,	N. Hampshire,	40	Married,	Merchant,	England,	Germany.
Henry Nicoll,	New York,	New York,	New York,	New York,	33	Married,	Lawyer,	England,	England.
John H. Kennedy,	New York,	Baltimore,	Baltimore,	Maryland,	43	Married,	Paint Dealer,	Ireland,	Ireland.
Charles O'Conor,	New York,	New York,	New York,	New York,	42	Single,	Lawyer,	Ireland,	
Alexander F. Vaché,	New York,	New York,	New York,	New York,	46	Married,	Physician,	France,	Canada.
Samuel J. Tilden,	New York,	New Lebanon,	Columbia,	New York,	32	Single,	Lawyer,	England,	Wales.
Benjamin F. Cornell,	New York,	Tiverton,	Newport,	Rhode Island,	34	Single,	Blacksmith,	England,	England.
John L. Stephens,	New York,	Shrewsbury,	Monmouth,	New Jersey,	39	Single,	Lawyer,	England,	Wales.
David R. F. Jones,	New York,	S. Oyster Bay,	Queens,	New York,	33	Married,	Lawyer,	Wales,	Ireland.
Lorenzo B. Shepard,	New York,	Hemlocks,	Greene,	New York,	35	Married,	Lawyer,	England,	England.
John H. Hunt,	New York,	Windham,	Greene,	New York,	42	Married,	Printer,	England,	England.
Campbell P. White,	New York,	Belfast,	Antrim,	Ireland,	60	Married,	Merchant,	Ireland,	Ireland.
Robert H. Morris,	New York,	New York,	New York,	New York,	42	Married,	Lawyer,	Wales,	England.
Stephen Allen,	New York.	New York,	New York,	New York,	75	Married,	Mechanic,	England,	Germany.
John W. McNitt,	Niagara,	Rome,	Hampshire,	Massachusetts,	59	Married,	Farmer,	Scotland,	England.
Hiram Gardner,	Niagara,	Washington,	Dutchess,	New York,	46	Married,	Lawyer,	England,	England.
Charles P. Kirkland,	Oneida,	New Hartford,	Oneida,	New York,	48	Married,	Lawyer,	England,	England.
Hervey Brayton,	Oneida,	Western,	Oneida,	New York,	44	Married,	Merchant,	England,	Ireland.
Julius Candee,	Oneida,	Oxford,	New Haven,	Connecticut,	46	Married,	Merchant,	England,	England.
Edward Huntington,	Oneida,	Rome,	Oneida,	New York,	28	Married,	Civil Engineer,	England,	
Elijah Rhoades,	Onondaga,	Chesterfield,	Hampshire,	Massachusetts,	55	Married,	Merchant,	England,	England.
Cyrus H. Kingsley,	Onondaga,	Lebanon,	New London,	Connecticut,	56	Married,	Farmer,	Wales,	Ireland.
David Munro,	Onondaga,	Camillus,	Cheshire,	Massachusetts,	62	Married,	Farmer,	Scotland,	
William Taylor,	Onondaga,	Suffield,	Hartford,	Connecticut,	54	Married,	Physician,	England,	England.
Robert C. Nicholas,	Ontario,	Falmouth,	Stafford,	Virginia,	44	Widower,	Farmer,	England,	Scotland.
Alvah Worden,	Ontario,	Milton,	Saratoga,	New York,	48	Married,	Lawyer	England,	England.
John W. Brown,	Orange,			Scotland,			Lawyer,		
Lewis Cuddeback,	Orange,	Deerpark,	Orange,	New York,	38	Single,	Merchant,	France,	
George W. Tuthill,	Orange,	Romulus,	Seneca,	New York,	45	Married,	Farmer,		
William Penniman,	Orleans,	Peterborough,	Hillsborough,	N. Hampshire,	53	Married,	Farmer,	England,	England.
Senero Clark,	Oswego,	Northampton,	Hampshire,	Massachusetts,	52	Married,	Far. & Survey.	England,	England.
Orris Hart,	Oswego,	Farmington,	Hartford,	Connecticut,	55	Widower,	Merchant,	England,	England.
Levi S. Chatfield,	Otsego,	Laurens,	Otsego,	New York,	38	Married,	Lawyer,	Scotland,	England.
David B. St. John,	Otsego,	Providence,	Saratoga,	New York,	43	Married,	Farmer,	England,	
Samuel Nelson,	Otsego,	Hebron,	Washington,	New York,	53	Married,	Lawyer,	Ireland,	
Governeur Kemble,	Putnam,	New York,	New York,	New York,	60	Bachelor,	Iron Master,	England,	France.

LIST OF DELEGATES TO THE NEW YORK STATE CONVENTION.—(*Continued.*)

Names of Members of the Convention of 1846.	*Representing what County.*	PLACE OF BIRTH.			*Age.*	*Condition in Life.*	*Profession or Occupation.*	FROM WHAT EUROPEAN OR FOREIGN KINGDOM OR COUNTRY THEIR ANCESTORS CAME.	
		City or Town.	*County.*	*State or Country.*				*Paternal.*	*Maternal.*
John L. Riker,	Queens,	Newtown,	Queens,	New York,	59	Married,	Lawyer & Far.	Holland,	England.
Perry Warren,	Rensselaer,	Pittstown,	Rensselaer,	New York,	47	Single,	Farmer,	England,	England.
Abram Witbeck,	Rensselaer,	Greenbush,	Rensselaer,	New York,	36	Married,	Farmer,	Holland,	England.
Wm. H. Van Schoonhoven,	Rensselaer,	Waterford,	Saratoga,	New York,	35	Married,	Lawyer,	Holland,	Holland,
John T. Harrison,	Richmond,	Milton, Rah. T	Middlesex,	New Jersey,	60	Married,	Physician,	England,	Scotland.
John J. Wood,	Rockland,	Clarkstown,	Rockland,	New York,	62	Married,	Farmer,	England,	Scotland.
James M. Cook,	Saratoga,	Ballston,	Saratoga,	New York,	38	Married,	Manufacturer,	England,	
John K. Porter,	Saratoga,	Waterford,	Saratoga,	New York,	27	Single,	Lawyer,	England,	France.
Daniel D. Campbell,	Schenectady,	Rotterdam,	Schenectady,	New York,	42	Single,	Farmer,	Holland,	Scotland.
John Gebhard, Jun.,	Schoharie,	Schoharie,	Schoharie,	New York,	43	Single,	Geol.& Natur't	Germany,	Germany.
William C. Bouck,	Schoharie,	Fulton,	Schoharie,	New York,	60	Married,	Farmer,	Germany,	Germany.
Ansel Bascom,	Seneca,	Skaneateles,	Onondaga,	New York,			Lawyer,	England,	England.
Bishop Perkins,	St. Lawrence,	Becket,	Berkshire,	Massachusetts,	58	Married,	Lawyer,	England,	Scotland.
John Leslie Russell,	St. Lawrence,	Fairfax,	Franklin,	Vermont,	41	Married,	Law. & L. Agt	England,	England.
Jonah Sanford,	St. Lawrence,	Cornwall,	Addison,	Vermont,	55	Married,	Farmer,	England,	
William Kenan,	Steuben,		Cavan,	Ireland,	65	Married,	Farmer,	Ireland,	Scotland.
Robert Campbell, Jun.,	Steuben,	Bath,	Steuben,	New York,	37	Married,	Lawyer & Far.	Scotland,	
Benjamin S. Brundage,	Steuben,	Newburgh,	Orange,	New York,	53	Married,	Farmer,	England,	Dutch.
Abel Huntington,	Suffolk,	Norwich,	New London,	Connecticut,	69	Widower,	Physician,	England,	England.
Churchill C. Cambreleng,	Suffolk,	Washington,	Beaufort,	N. Carolina,	59	Married,	Farmer,	Teneriffe,	Scotland.
William B. Wright,	Sullivan,	Newburgh,	Orange,	New York,	38	Single,	Lawyer,	Ireland,	Ireland.
John J. Taylor,	Tioga,	Leominster,	Worcester,	Massachusetts,	38	Married,	Lawyer,	England,	England.
Thomas B. Sears,	Tompkins,	Carmel,	Putnam,	New York,	57	Married,	Farmer,		
John Youngs,	Tompkins,	Old Shongum,	Orange,	New York,	45	Married,	Miller & Surv.	Germany,	Scotland.
James C. Forsyth,	Ulster,	Newburgh,	Orange,	New York,	27	Married,	Lawyer,	Scotland,	Scotland.
George G. Graham,	Ulster,	Shawangunk,	Ulster,	New York,	51	Married,	Physic. & Far.	Ireland,	Scotland.
William Hotchkiss,	Warren,	Albany,	Albany,	New York,	40	Married,	Mechanic,	England,	Holland.
Edward Dodd,	Washington,	Salem,	Washington,	New York,	40	Married,	Merchant,	England,	Ireland.
Albert L. Baker,	Washington,	Moreau,	Saratoga,	New York,	30	Married,	Lawyer,	England,	Wales.

Horatio N. Taft,	Wayne,	Savoy,	Berkshire,	Massachusetts,	40	Married,	Mechanic,	Wales,	England.
Ornon Archer,	Wayne,	Granville,	Washington,	New York,	31	Married,	Teacher,	England,	
Aaron Ward,	Westchester,	Sing Sing,	Westchester,	New York,	51	Married,	Lawyer,	England,	Holland.
John Hunter,	Westchester,	Philadelphia,	Philadelphia,	Pennsylvania,	56	Widower,	Farmer,	England,	Ireland.
Andrew W. Young,	Wyoming,	Carlisle,	Schoharie,	New York,	44	Married,	Author,	Germany,	Ireland.
Elijah Spencer,	Yates,	Hillsdale,	Columbia,	New York,	70	Married,	Farmer,	England,	Ireland.

RULES AND ORDERS OF

CONVENTION.

1. Upon the appearance of a quorum, the President shall take the chair, and the Convention shall be called to order.

2. The minutes of the preceding day shall then be read, at which time, mistakes, if any, shall be corrected.

3. The President shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Convention; he shall have the right to name any member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment.

4. All motions and addresses shall be made to the President—the member rising from his seat.

5. No motion shall be debated or put unless the same shall be seconded: when a motion is seconded, it shall be stated by the President, before debate, and every motion shall be reduced to writing on the request of the President or any member.

6. On any question to be taken, the yeas and nays shall be entered, if requested by ten members.

7. If two or more members shall rise at once, the President shall name the member who is first to speak.

8. No interruption shall be suffered while a member is speaking, but by a call to order by the President, or by a member in his place, when the member called to order shall immediately sit down, until permitted by the President to proceed.

9. While the President is putting a question, no member shall walk out of or across the house ; nor when a member is speaking, shall any member be engaged in conversation, or pass between him and the chair.

10. No member shall be referred to by name in any debate.

11. Any member making a motion or submitting a resolution, may withdraw it before the question is put thereon, and before amendment made—after which any other member may renew the same.

12. All committees shall be appointed by the President, unless otherwise ordered by the convention.

13. No person, except members and officers of the Convention, shall be admitted within the bar except by permission of the President, or on the invitation of a member.

14 The previous question shall be always in order in Convention, if seconded by a majority, and until decided, shall preclude all amendment and debate, and shall be in this form: "*Shall the main question be now put?*" When, on taking the previous question, the Convention shall decide that the same shall not now be put, the main question shall be still under consideration. The main question shall be on the adoption of the proposition under consideration, and in cases where there shall be pending amendments, the question shall first be taken upon such amendments in their order, and without further debate or amendment. Amendments proposed in committee of the whole, shall be deemed pending in the Convention under this rule, if called for by a member.

15. A motion to adjourn shall be always in order in Convention, and shall be decided without debate.

16. In forming committees of the whole, the President, before he leaves the chair, shall appoint a chairman.

17. No member shall speak more than twice to the same question, without leave, nor more than once until every member choosing to speak, shall have spoken.

18. A motion for reconsideration shall be in order at any time, and may be moved by any member of the Convention, but the

question, shall not be taken on the motion to reconsider on the same day on which the decision proposed to be reconsidered shall take place, unless by unanimous consent; and a motion to reconsider being once put and lost, shall not be renewed, nor shall any subject be a second time reconsidered without the consent of the Convention. If the motion to reconsider shall not be made on the same day or the day after that on which the decision proposed to be reconsidered was made, three days' notice of the intention to make the motion shall be given.

19. The preceding rules shall be observed in a committee of the whole, so far as they are applicable, except that part of the 17th rule which restricts members from speaking more than twice upon the same question, and except that the call for ayes and noes, and the previous question, and the motion to adjourn, shall not be applicable to the committee of the whole, but a journal of the proceedings in committee of the whole shall be kept.

20. The President may admit such and as many Reporters within the bar of the house as he may deem proper.

21. Petitions, and communications from the Governor, the State officers, and from all other persons to whom inquiries may be addressed by order of the Convention.

22. Reports of committees.

23. Motions, resolutions and notices.

24. Unfinished business.

25. Special orders.

26. General orders.

STANDING COMMITTEES

OF THE

CONVENTION.

1. *The apportionment, election, tenure of office, and compensation of the Legislature.*

Mr. Wm. Taylor,
Mr. R. Campbell,
Mr. Salisbury,
Mr. White,
Mr. Burr,
Mr. Sanford,
Mr. W. B. Wright.

2. *The powers and duties of the Legislature, except as to matters otherwise referred.*

Mr. Stetson,
Mr. Powers,
Mr. Miller,
Mr. St. John,
Mr. Harrison,
Mr. J. J. Taylor,
Mr. McNitt.

3. *Canals, internal improvements, public revenues, and property, public debt, and the powers and duties of the Legislature in reference thereto; and the restrictions, if any, proper to be imposed upon the action of the Legislature in making donations from the public funds, and in making loans of the moneys or credit of the state.*

Mr. Hoffman,
Mr. Tilden,
Mr. Gebhard,
Mr. Hunter,
Mr. W. H. Spencer,
Mr. Greene,
Mr. Richmond.

4. *The elective franchise—the qualification to vote and hold office.*

Mr. Bouck,
Mr. Gardner,
Mr. Kennedy,
Mr. Dodd,
Mr. Dorlon,
Mr. Wood,
Mr. E. Huntington.

5. *The election, tenure of office, compensation, powers and duties (except the power to appoint or nominate to office), of the Governor and Lieutenant-Governor.*

Mr. Morris,
Mr. Porter,
Mr. Hyde,
Mr. Kingsley,
Mr. Penniman,
Mr. Clark,
Mr. Waterbury.

6. *The election or appointment of all officers, other than legislative and judicial, and the Governor and Lieutenant-Governor, whose duties and powers are not local, and their powers, duties and compensation.*

Mr. Chatfield,
Mr. Perkins,
Mr. Kemble,
Mr. Strong,
Mr. Nicholas,
Mr. Danforth,
Mr. Shaver.

7. *The appointment or election of all officers whose functions are local; and their tenure of office, powers, duties and compensation.*

Mr. Angel,
Mr. Jones,
Mr. Archer,
Mr. Dubois,
Mr. Maxwell,
Mr. Hawley,
Mr. Shaw.

8. *The militia and military affairs.*

Mr. Ward,
Mr. Chamberlain,
Mr. McNeil,
Mr. Bruce,
Mr. Stanton,
Mr. Kernan,
Mr. A. Wright.

9. *Official oaths and affirmations; and the competency of witnesses, and oaths and affirmations in legal and equity proceedings.*

Mr. Rhoades,
Mr. Baker,
Mr. Forsyth,
Mr. Cornell,
Mr. Brundage,
Mr. Brayton,
Mr. Hotchkiss.

10. *The judiciary—and the appointment or election of judicial officers, and their tenure of office and compensation.*

Mr. Ruggles,
Mr. O'Conor,
Mr. Kirkland,
Mr. Brown,
Mr. Jordan,
Mr. Loomis,
Mr. Worden,
Mr. Simmons,
Mr. Bascom,
Mr. Hart,
Mr. Stephens,
Mr. Paterson,
Mr. Sears.

11. *The rights and privileges of the citizens of this state.*

Mr. Tallmadge,
Mr. Ayrault,
Mr. Swackhamer,
Mr. Parish,
Mr. D. D. Campbell,
Mr. Witbeck,
Mr. Yawger.

12. *Education, common schools, and the appropriate funds.*

Mr. Nicoll,
Mr. Munro,
Mr. Bowdish,
Mr. A. W. Young,
Mr. Tuthill,
Mr. Willard,
Mr. Hunt.

13. *Future amendments and revisions of the Constitution.*

Mr. Marvin,
Mr. Riker,
Mr. Vaché,
Mr. Cook,
Mr. Nellis,
Mr. Graham,
Mr. J. Youngs.

CONVENTION ACT OF 1821.

AN ACT

RECOMMENDING A CONVENTION OF THE PEOPLE OF THIS STATE.

Passed March 13, 1821.

I. BE *it enacted by the People of the State of New York, represented in Senate and Assembly*, That the inspectors of each poll, in the several towns and wards of this state, at the annual election, to be held on the last Tuesday in April next, shall provide a proper box, to receive the ballots of the citizens of this state, in relation to the convention hereinafter provided for. On which ballots shall be written or printed, by those voters who are in favor of the proposed convention, the word *Convention*, and by those voters who are opposed thereto, the words *No Convention*, and that all free male citizens of this state, of the age of twenty-one years or upwards, who shall possess a freehold within this state, or who shall have been actually rated, and paid taxes to this state, or who shall have been actually enrolled in the militia of this state, or in a legal volunteer or uniform corps, and shall have served therein, either as an officer or private; or who shall have been, or now are by law exempt from taxation, or militia duty; or who shall have been assessed to work on the public roads and highways, and shall have worked thereon, or shall have paid a commutation therefor, according to law; shall be allowed, during the three days of such election, to vote by ballot as aforesaid, in the town or ward in which they shall actually reside.

Duty of Inspectors.

Persons entitled to vote.

Challenges.

II. *And be it further enacted*, That it shall be lawful for either of the inspectors of such election, of his own accord, and it shall be the duty of such inspectors, when thereto required by any citizen entitled to vote as aforesaid, to administer to any person offering to ballot as aforesaid, the following oath or affirmation: "I ———, do solemnly swear or affirm (as the case may be), that I am a natural born, or naturalized citizen of the state of New York, or of one of the United States (as the case may be), of the age of twenty-one years, or upwards: that I am the owner of a freehold within this state; or that I have been actually rated and paid taxes to this state; or that I actually have been enrolled, and have served in the militia of this state, or in a legal volunteer or uniform corps, either as an officer or private; or that I have been or now am by law exempt from taxation or militia duty; or that I have been actually assessed to work on public roads and highways, and have worked thereon, or have paid a commutation therefor, according to law: and that I now am an actual resident and inhabitant of the town or ward in which I offer my ballot; and that I have not before voted and will not again vote at this election." And it is hereby declared, that if any person, so being required to take the said oath or affirmation, shall refuse to take the same, he shall not be allowed to vote at such election, until he shall take such oath or affirmation.

Oath.

Elections how conducted.

III. *And be it further enacted*, That the said election shall, in all respects, be conducted, and the poll lists shall be kept, in the manner prescribed by law, for the election of senators; that the said votes shall be canvassed by the inspectors of the several polls of the said election, and the returns thereof made by such inspectors, to the clerks of the respective towns and counties, at the same time, and in the same manner, as the canvass and return of votes for senators

are by law directed to be made; that the certificates of the returns of the said votes shall be recorded by the clerks of the several towns and counties, and transcripts thereof shall be certified, and be transmitted to the secretary of this state, at the same time, and in the same manner as certificates of the votes for senators are now by law required to be recorded, transcribed, and transmitted to the secretary of this state; that the said transcripts received by the secretary of this state as aforesaid, shall remain in his office of record, and the votes so given shall be canvassed at the same time, by the same persons, and in the same manner, and the result thereof shall be published as is prescribed by law, in relation to the election of senators.

Duty of canvassers.

IV. *And be it further enacted*, That if it shall appear by the said canvass, to be made as aforesaid, that a majority of the ballots or votes, given in, and returned as aforesaid, are for *No Convention*, then and in such case, the canvassers are hereby required to certify and declare that there shall be no further proceedings under this act, in relation to the calling of a convention. But that if it shall appear by the said canvass that a majority of the ballots or votes are for a *Convention*, that then and in such case, the canvassers shall certify and declare that a convention will be called accordingly, and that a copy of the said certificate shall be transmitted, by the secretary of this state, to the sheriffs of the respective cities and counties of this state, and shall be by them published, and copies delivered to the supervisors of the several towns, within the respective counties, in the same manner as notices for the election of senators are now by law required to be published and delivered.

And of the secretary.

Delegates when and how chosen.

V. *And be it further enacted*, That in case the said canvassers shall certify and declare a majority of such ballots or votes to be for a *Convention*, it shall and

may be lawful, and it is hereby recommended to the citizens of this state, on the third Tuesday of June next, to elect, by ballot, delegates to meet in convention, for the purpose of considering the constitution of this state, and making such alterations in the same as they may deem proper; and to provide the manner of making future amendments thereto.

Number of delegates.

VI. *And be it further enacted,* That the number of delegates to be chosen shall be the same as the number of members of assembly, from the respective cities and counties of this state; and that the same qualifications for voters shall be required on the election for delegates, as is prescribed in the first section of this act, and none other; and that the oath prescribed in the second section of this act shall be likewise taken by all the voters under this section, if required; and that all persons entitled to vote by this law for delegates, shall be eligible to be elected; and that the election for such delegates shall be held at such places as the inspectors, hereinafter-mentioned, shall for that purpose notify, and shall take place on the said third Tuesday of June next, and shall continue and be held on that day, and on the two succeeding days; and that the officers in the several towns or wards in this state, authorized to act as inspectors of elections for members of assembly, and the persons who shall be appointed in the several cities of this state for that purpose, shall be the inspectors of the said election for delegates; and that the inspectors of each poll shall provide a box to receive the ballots of delegates, and shall appoint two clerks, each of whom shall keep a poll-list of the electors for delegates; and that during the said election the said boxes and poll-lists shall be disposed of, and kept in the manner prescribed in the "act for regulating elections;" and that the election shall be conducted by the inspectors thereof, with the like powers, and in all respects not herein otherwise provided for, as

Who are eligible.

When and how to be chosen.

near as may be, in the manner prescribed by law, in cases of elections for members of assembly, except that none of the oaths herein-mentioned shall be administered to any elector; and that, at the final close of the poll, the ballots for delegates shall be canvassed, and disposed of, and the names of the persons voted for as delegates, and the number of votes given for each person respectively, shall be certified, and the certificates thereof filed and returned, in the manner and at the times now directed by law, respecting votes for members of assembly; and that the clerks of the respective towns and counties of this state shall enter of record the said certificates, in books to be provided by them for that purpose; and that the clerks of the respective counties shall thereupon, and within ten days after such certificates shall be returned as aforesaid, calculate and ascertain the whole number of votes given for the respective candidates, voted for as delegates for such county; and shall determine, conformably to the said certificates of the said inspectors, upon the person or persons duly elected by the greatest number of votes as delegates for such county; which determination shall be entered of record, in the office of such clerk, and such clerk shall cause a certificate of such election to be given to each person so found to be elected as a delegate, within fifteen days after such determination; and shall also transmit a copy of such determination to the office of the secretary of this state, there to be filed and remain of record; and that the inspectors of the said election, or the major part of them, shall give the like notice of the time and place where such election for delegates is to be held, as is directed by law to be given of the time and place of choosing members of assembly; and that the inspectors and clerks of the said election shall severally take the oath directed to be taken by the inspectors and clerks of elections, in and by the act entitled "An

Duty of county clerks.

act for regulating elections," which oath either of the said inspectors is hereby authorized to administer; and that it shall be the duty of the proper authority of the several cities in this state, to appoint inspectors of election under this act, in the same manner as they are required by law for annual elections, at least twelve days before the time appointed for holding the election authorized by this act.

Penalties for neglect and false returns, &c.

VII. *And be it further enacted*, That if any inspector of the said elections, or either of them, shall wilfully omit or neglect to make returns of the said election, within the times prescribed as aforesaid, or shall wilfully make any false return, or shall wilfully make, or cause to be made, any error in such returns, or either of them, and if any clerk of any county shall wilfully certify falsely the result of either of the said elections, or shall wilfully make, or cause to be made, any error in any transcript to be made by him as aforesaid, or shall wilfully neglect or omit to transmit the said transcripts, within the times aforesaid, such inspector or clerk, so offending, shall be liable to indictment and conviction for a misdemeanor, in any court of competent jurisdiction; and, upon such conviction, shall be subject to a fine not exceeding one thousand dollars, or to imprisonment in the county prison not exceeding one year; and shall be disabled to hold any office of honor, trust, or profit, under the authority of this state: And the said inspectors and clerks of elections, clerks of counties, and canvassers, shall be liable for any other mal and corrupt conduct in relation to the said elections, or either of them, to the penalties prescribed in similar cases, in and by the "Act for regulating elections;" and the said officers shall be paid for their services at the said elections, or either of them, performed under this act, to the same amount, and in like manner, as they are now directed

to be paid by law for similar services at elections for senators or members of assembly.

Convention when to meet and compensation, &c.

VIII. *And be it further enacted*, That the delegates so to be chosen shall meet in convention at the Capitol, in the city of Albany, on the last Tuesday of August next, from whence they may, if they think proper, adjourn to any other place; and they, and their attendants and officers, shall be allowed the like compensation for their travel and attendance as the members of the legislature are allowed by law; the amount of which shall be certified by the president of the convention, and shall be paid by the treasurer of this state, on the warrant of the comptroller; and it shall be the duty of the clerks of the senate and assembly to attend the said convention, on the opening thereof, and they, and the secretary of this state, shall furnish the said convention with such papers in their possession as the said convention may deem necessary; and the secretaries of the convention shall and may provide stationery for the use thereof, the amount of which shall be paid on the certificate of the president thereof, in like manner as the contingent expenses of the assembly are now paid by law.

Duty of the secretary of state.

Proceedings when to be filed, and amendments how to be submitted, &c.

IX. *And be it further enacted*, That the proceedings of the said convention shall be filed in the office of the secretary of this state, and the determination and propositions of the said convention shall be entered of record in the same office. And that it shall be the duty of the said convention, to submit their proposed amendments to the decision of the citizens of this state, entitled to vote under this act, together, or in distinct propositions, as to them shall seem expedient. And that the said convention shall prescribe the time and manner of holding an election for such purpose, and the mode of canvassing, and determining the result and all the regulations necessary thereto. And that all sheriffs, officers, inspectors, and persons in authority within this state, shall, in

Duty of sheriffs &c.

respect to the said election to be prescribed by the said convention, and all regulations necessary thereto, exercise every power and authority, as in relation to annual elections; and shall be paid in like manner, and shall receive a like compensation therefor; and shall obey and conform to the prescriptions of the convention, in that behalf, under the penalty upon each and every person wilfully neglecting or refusing, of one thousand dollars for each offence, and imprisonment not exceeding one year; and for any mal or corrupt conduct in the premises, each and every such person shall be disabled to hold any office of honor, trust, or profit, under the authority of this state. And the propositions of such convention, which shall be approved by a majority of the votes at such election, shall be deemed and taken to be a part of the constitution of this state; and that the propositions which shall not be so approved, shall be considered void and of none effect.

Penalty.

When amendments declared a part of constitution.

False swearing declared perjury.

X. *And be it further enacted*, That all wilful and corrupt false swearing, in taking any of the oaths prescribed by this act, or at or in relation to the election to be directed by said convention, shall be deemed perjury, and shall be punished in the manner now prescribed by law, for wilful and corrupt perjury.

Duty of secretary of state in publishing, &c.

XI. *And be it further enacted*, That it shall be the duty of the secretary of this state, forthwith to cause this act to be published in all the public newspapers printed in this state, and to cause the same to be printed and distributed to the clerks of the respective counties, by transmitting to such clerks, with all convenient speed, as many copies as shall be equal to ten times the number of towns and wards in such county: and the said clerks shall immediately deliver ten copies thereof to the inspectors of election in each town of the county: and the expense of such publication, printing, and distribution, shall be paid by the treasurer, on the warrant of the comptroller.

AMENDMENT TO ACT OF 1821.

AN ACT

TO AMEND AN ACT, ENTITLED "AN ACT RECOMMENDING A CONVENTION OF THE PEOPLE OF THIS STATE."

Passed April 3, 1821.

I. *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the clerks of the several counties of this state shall make their returns of transcripts of certificates of election to the secretary of this state, as required by the act, entitled "An act for regulating elections," and the act hereby amended, on or before the twenty-first day of May next; and the said secretary shall, on or before the twenty-third day of the same month, in conjunction with the surveyor-general, attorney-general, comptroller, and treasurer of this state, attend at the secretary's office, to be notified for that purpose by such secretary, and perform all and singular the duties required of them by the acts aforesaid, and shall, within three days after such meeting, decide upon and complete their proceedings, agreeable to the requirements of said acts, anything in the act hereby amended, or the act entitled "An act regulating elections," to the contrary notwithstanding.

Duty of the county clerks and of the canvassers.

II. *And be it further enacted,* That it shall be the duty of the secretary of state to transmit by express a copy of the certificate required to be transmitted by the fourth section of the act entitled "An act recommending a convention of the people of this state," passed March 13, 1821, to the sheriffs of the

Duty of secretary of state.

respective cities and counties of this state, in case it shall appear to the secretary, surveyor-general, attorney-general, comptroller, and treasurer, to be necessary to adopt that course, in order to give effect to the said act, and the expense of such express or expresses shall be paid by the treasurer, on the certificate of the secretary, and on the warrant of the comptroller.

Officers authorized to administer certain oaths to canvassers.

III. *And be it further enacted*, That any mayor, recorder, judge of any court of common pleas, clerk of any county, or any commissioner authorized to administer oaths, shall have full power and authority to qualify the canvassers of the votes given at any election, and returned to the secretary's office, for governor, lieutenant-governor, senators, members of congress, or of the votes given for or against a convention of the people of this state.

CONVENTION ACT OF 1845.

AN ACT

RECOMMENDING A CONVENTION OF THE PEOPLE OF THIS STATE.

Passed May 13, 1845.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Duty of inspectors of election

§ 1. The inspectors of election in each town, ward, and election district in this state, at the annual election to be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-five, shall provide a proper box to receive the ballots of the citizens of this state entitled to vote at such election, in relation to the convention hereinafter provided for. On such ballots shall be written or printed, or partly written and partly printed, by those voters who are in favor of the proposed convention, the word "convention," and by those voters who are opposed thereto, the words "no convention;" and all citizens of this state who shall be entitled by law to vote at such annual election, shall be allowed to vote by ballot as aforesaid at the poll or election district in which he resides, and not elsewhere.

Election how conducted.

§ 2. So much of articles one, two and three, of title four, of chapter one hundred and thirty, of an act entitled "An act respecting elections other than for military and town officers," passed April 5, 1842, as regulates the manner of conducting elections and challenges, oaths to be administered, and inquiries to be made of persons offering to vote, shall be deemed applicable to the votes to be given or offered under

this act; and the manner of voting and challenges, and the penalties for false swearing, prescribed by law, are hereby declared in full force and effect in voting under this act.

Votes how canvassed in election districts.

§ 3. The said votes given for and against a "convention," in pursuance of this act, shall be canvassed by the inspectors of the several election districts or polls of the said election, in the manner prescribed by law, and as provided in article four, of title four, chapter one hundred and thirty of the said act entitled "An act respecting elections other than for militia and town officers," passed April 5, 1842, as far as the same are applicable; and such canvass shall be completed by ascertaining the whole number of votes given in each election district or poll for convention, and the whole number of such votes given against such convention in the form aforesaid; and the result being found, the inspectors shall make a statement in words at full length of the whole number of ballots received in relation to such proposed convention, and shall also state in words at full length the whole number of ballots having thereon the word "convention" alone, and also the whole number of ballots having thereon the words "no convention." Such statements as aforesaid shall contain a caption stating the day on which, and the number of the district, the town or ward and the county at which the election was held, and at the end thereof a certificate that such statement is correct in all respects; which certificate shall be subscribed by all the inspectors, and a true copy of such statement shall be immediately filed by them in the office of the clerk of the town or city.

Statements how disposed of.

§ 4. The original statements, duly certified as aforesaid, shall be delivered by the inspectors, or by one of them, to be deputed for that purpose, to the supervisor, or in case there be no supervisor, or he shall be disabled from attending the board of

county canvassers, then to one of the assessors of the town or ward, within twenty-four hours after the same shall have been subscribed by such inspectors, to be disposed of as the other statements at such election are now required by law.

Duty of county canvassers.

§ 5. So much of article first, second, third, and fourth, of title fifth of chapter one hundred and thirty, of the act entitled "An act respecting elections other than for militia and town officers," passed April 5, 1842, as regulates the duties of county canvassers and their proceedings, and the duty of county clerks and the secretary of state, and the board of state canvassers, shall be applied to the canvassing and ascertaining the will of the people of this state in relation to the proposed convention; and if it shall appear by the said canvass that a majority of the ballots or votes given in and returned as aforesaid are for "no convention," then and in such case the said canvassers are hereby required to certify and declare that there shall be no further proceedings under this act in relation to calling a convention. But if it shall appear by the said canvass that a majority of the ballots or votes given as aforesaid are for a convention, that then and in such case, the canvassers shall certify and declare that a convention will be called accordingly, and a copy of the said certificate shall be transmitted by the secretary of this state to the sheriff, clerk or first judge of each of the counties of this state, and shall be by them published, and copies delivered to the supervisors of the several towns and cities within their respective counties, in the same manner as notices for the election of senators are now by law required to be published and delivered.

Election of delegates.

§ 6. In case the said canvassers shall certify and declare a majority of such ballots or votes to be for a convention, it shall and may be lawful, and it is hereby recommended to the citizens of this state, on

the last Tuesday of April, eighteen hundred and forty-six, to elect by ballot, delegates to meet in convention for the purpose of considering the constitution of this state, and to make such alterations in the same as the rights of the people demand, and as they may deem proper.

Number of delegates.

§ 7. The number of delegates to be chosen to such convention shall be the same as the number of members of Assembly from the respective cities and counties in this state. All persons entitled to vote for members of Assembly shall be entitled to vote for such delegates. Such election shall in all respects be conducted as is now provided by law for the election of members of Assembly; the polls opened and held in the same manner, and the canvass and other proceedings to determine the election of such delegates conducted as is now prescribed by law for electing members of Assembly.

Persons entitled to vote.

How conducted.

Duty of delegates when met in convention.

§ 8. The delegates so chosen, shall meet in convention at the capitol in the city of Albany, on the first Monday of June, one thousand eight hundred and forty-six. They shall, by ballot, elect one of their number president, and may appoint one or more secretaries, a printer, and such door-keepers and messengers as their convenience shall require; and such delegates and the secretaries of the convention shall be entitled to the same mileage for travel and the same per diem allowance, as is now paid to members of the legislature, and the printer, door-keepers and messengers shall receive the same compensation as is provided by law for similar services and attendance upon the Assembly. The amount of pay shall be certified by the president of the convention, and shall be paid by the treasurer of the state, on the warrant of the comptroller, in the same manner as members of the legislature are paid. It shall be the duty of the secretary of state to attend said convention at the opening thereof, and he and all public of-

ficers shall furnish such convention with all such papers, statements, books or other public documents in their possession, as the said convention shall order or require; and it shall be the duty of the comptroller to furnish the members with all such stationery as is usual for the legislature while in session.

Amended constitution to be filed and recorded in secretary's office, and submitted to the people.

§ 9. The proceedings of the said convention shall be filed in the office of the secretary of state, and the amendments to the constitution agreed to by the said convention, shall be recorded in his office; the said amendments shall be submitted by the convention to the people for their adoption or rejection, at the annual election to be held on the Tuesday next succeeding the first Monday in November, one thousand eight hundred and forty-six; and every person entitled to vote at that election may vote thereon, in the election district in which he shall then reside, and not elsewhere. The said amendments shall be so prepared and distinguished, by numbers or otherwise, that they can be voted upon separately, and they shall be so voted upon unless the convention shall be of the opinion that it is impracticable to prepare them so that they can be voted upon in that manner; and if the said convention shall by resolution declare that in its judgment the said amendments cannot be prepared so as to be voted upon separately, they shall be voted upon together. In either case the convention shall prescribe the form of the ballot, the publication of the amendments, and the notice to be given of the election. In case the said amendments shall be voted upon separately, every person entitled to vote thereon, may vote for or against any one or more of them. At the election mentioned in this section, the inspectors in every election district shall provide a suitable box to receive the ballots given upon the said amendments, which ballots shall have the word "constitution," written or printed, or partly written and partly printed upon them, so that when they are folded it will appear upon the outside of the

ballot; and all the proivsions of the laws of this state in relation to the election of officers at a general election shall apply to the voting upon the said amendments, so far as the same can be made applicable thereto; and the votes given upon the said amendments, shall be given and canvassed, and all the proceedings shall be had in regard to them, as nearly as practicable in the manner prescribed by law in respect to the votes given for governor. Each of the said amendments which shall receive a majority of all the votes given upon it at the election mentioned in this section, shall be deemed and taken to be a part of the constitution of this state, and shall take effect from and after the thirty-first day of December in the year one thousand eight hundred and forty-six, unless the said convention shall prescribe some other time on which the same shall take effect; and each of the said amendments which shall not receive a majority of all the votes given upon it at the said election, shall be void and of no effect.

Penalty for false swearing.

§ 10. All wilful and corrupt false swearing, in taking any of the oaths prescribed by this act, or by the laws of this state made applicable to this act, or any other mode or form in carrying into effect this act, shall be deemed perjury, and shall be punished in the manner now prescribed by law for wilful and corrupt perjury.

This act to be published by secretary of state.

§ 11. It shall be the duty of the secretary of state to cause this act to be published once a week for twelve successive weeks previous to the election, in not less than two or more than four of the public newspapers published in each of the several counties of this state in which two or more public newspapers are published; and in the public newspaper in all those counties where only one public newspaper is published; and shall also cause to be transmitted to the several clerks of counties in this state such number of copies of this act, with the necessary forms and

instructions, as shall be sufficient to supply the several officers who are to perform the duties prescribed by this act; and the said clerks of counties shall distribute the same to such officers; and the expense of publishing and distributing the same, and all other legal expenses incurred in printing for the convention, shall be audited by the comptroller, and paid by the treasurer according to law.

Certificate.

§ 12. The copy of the certificate of the state canvassers shall in no case be directed to the clerk of a county, unless the office of sheriff of such county shall then be vacant, nor to the first judge, unless the office of sheriff and clerk shall both be vacant.

Hamilton and Fulton.

§ 13. The county of Hamilton and the county of Fulton shall jointly elect one delegate to the convention in the same manner, and the votes shall be canvassed and transmitted in the same manner, as now provided by law in reference to members of Assembly.

AN ACT

IN RELATION TO THE ELECTION OF DELEGATES TO THE CONVENTION OF THE PEOPLE OF THIS STATE.

Passed April 22d, 1846.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Number of Delegates.

§ 1. The number of delegates to be chosen in and by the respective cities and counties of this State to the convention to be held by virtue of an act entitled "An act recommending a convention of the People of this State," passed May 13th, 1845, shall be the same

Manner of choosing delegates.

as the number of members of the Assembly, to be chosen in and by the said cities and counties respectively, in pursuance of an act entitled "An act for the apportionment of the members of the Assembly of this State," passed March 30th, 1846.

Counties of Hamilton and Fulton.

§ 2. For the purpose of electing delegates to the said convention, the county of Hamilton shall be considered a part of the county of Fulton; and the other counties of this State shall separately elect the delegates to the said convention, to which they shall be respectively entitled.

When to take effect.

§ 3. This act shall take effect immediately.

THE

CONSTITUTION OF THE STATE OF NEW YORK.

ADOPTED IN 1777.

IN CONVENTION OF THE REPRESENTATIVES OF THE STATE OF NEW YORK.

KINGSTON, *20th April*, 1777.

Government by Congresses and Committees.

WHEREAS the many tyrannical and oppressive usurpations of the king and parliament of Great Britain, on the rights and liberties of the people of the American colonies, had reduced them to the necessity of introducing a government by congresses and committees, as temporary expedients, and to exist no longer than the grievances of the people should remain without redress:

AND WHEREAS the congress of the colony of New York did, on the thirty-first day of May, now last past, resolve as follows, viz:

Its object temporary.

"WHEREAS, the present government of this colony, by congress and committees, was instituted while the former government, under the crown of Great Britain, existed in full force;—and was established for the sole purpose of opposing the usurpation of the British parliament, and was intended to expire on a reconciliation with Great Britain, which it was then apprehended would soon take place, but is now considered as remote and uncertain.

Its inconveniences.

"AND WHEREAS many and great inconveniences attend the said mode of government by congress and committees, as of necessity, in many instances legislative, judicial and executive powers have been

vested therein, especially since the dissolution of the former government, by the abdication of the late governor, and the exclusion of this colony from the protection of the king of Great Britain.

Recital, and

"AND WHEREAS the continental congress did resolve as followeth, to wit:

"WHEREAS his Britannic Majesty, in conjunction with the lords and commons of Great Britain, has by a late act of parliament, excluded the inhabitants of these united colonies from the protection of his crown: And whereas no answer whatever, to the humble petition of the colonies for redress of grievances and reconciliation with Great Britain, has been, or is likely to be given, but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies: And whereas it appears absolutely irreconcilable to reason and good conscience, for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain; and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the colonies, for the preservation of internal peace, virtue and good order, as well as for the defence of our lives, liberties, and properties, against the hostile invasions and cruel depredations of our enemies: Therefore,

Resolution of the General Congress recommending the institution of new governments

"RESOLVED, That it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."

Powers of the Provincial Congress inadequate.

"AND WHEREAS doubts have arisen, whether this congress are invested with sufficient power and authority to deliberate and determine on so important a subject as the necessity of erecting and constituting a new form of government and internal police, to the exclusion of all foreign jurisdiction, dominion, and control whatever. And whereas it appertains of right solely to the people of this colony to determine the said doubts: therefore,

Recommendation to elect deputies with adequate powers.

"RESOLVED, That it be recommended to the electors in the several counties in this colony, by election in the manner and form prescribed for the election of the present congress, either to authorize (in addition to the power vested in this congress) their present deputies, or others in the stead of their present deputies, or either of them, to take into consideration the necessity and propriety of instituting such new government as in and by the said resolution of the continental congress is described and recommended: And if the majority of the counties by their deputies in provincial congress, shall be of opinion that such new government ought to be instituted and established, then to institute and establish such a government as they shall deem best calculated to secure the rights, liberties, and happiness of the good people of this colony; and to continue in force until a future peace with Great Britain shall render the same unnecessary. And

Time and place of meeting.

"RESOLVED, That the said election in the several counties ought to be had on such day, and at such place or places, as by the committee of each county respectively shall be determined. And it is recommended to the said committees, to fix such early days for the said elections, as that all the deputies to be elected have sufficient time to repair to the city of New York by the second Monday in July next; on which day all the said deputies ought punctually to give their attendance.

"AND WHEREAS the object of the aforegoing reso-

lution is of the utmost importance to the good people of this colony:

"RESOLVED, That it be, and it is hereby earnestly recommended to the committees, freeholders, and other electors, in the different counties in this colony, diligently to carry the same into execution."

Appointment of this Convention.

"AND WHEREAS the good people of the said colony, in pursuance of the said resolution, and reposing special trust and confidence in the members of this convention, have appointed, authorized, and empowered them, for the purposes, and in the manner, and with the powers in and by the said resolve, specified, declared, and mentioned.

"AND WHEREAS the delegates of the United American States, in general congress convened, did on the fourth day of July now last past, solemnly publish and declare in the words following, viz:

Proceedings of the General Congress.

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

Reasons thereof.

"We hold these truths to be self evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of those ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem

most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such now is the necessity which constrains them to alter their former system of government. The history of the present king of Great Britain, is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this let facts be submitted to a candid world.

Grievances.

"He has refused his assent to laws the most wholesome and necessary for the public good.

"He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

"He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them and formidable to tyrants only.

"He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

Grievances.

"He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

"He has refused for a long time after such dissolutions to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise; the state remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

"He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others, to encourage their migrations hither, and raising the conditions of new appropriations of lands.

"He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

"He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

"He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

"He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

"He has affected to render the military independent of, and superior to the civil power.

"He has combined with others, to subject us to a jurisdiction, foreign to our constitution, and unacknowledged by our laws: giving his assent to their acts of pretended legislation.

"For quartering large bodies of troops among us:

"For protecting them, by a mock trial, from punishment for any murders they should commit on the inhabitants of these states:

"For cutting off our trade with all parts of the world: Grievances.

"For imposing taxes on us, without our consent:

"For depriving us, in many cases, of the benefits of trial by jury:

"For transporting us beyond seas, to be tried for pretended offences:

"For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

"For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

"For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

"He has abdicated government here, by declaring us out of his protection, and waging war against us.

"He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

"He is at this time transporting large armies of foreign mercenaries, to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

"He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

"He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose

Grievances.

known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

"In every stage of these oppressions, we have petitioned for redress, in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

"Nor have we been wanting in attentions to our British brethren. We have warned them from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexion and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war: in peace, friends.

Declaration of Independence.

"We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain, is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

Approved.

AND WHEREAS this convention, having taken this declaration into their most serious consideration, did, on the ninth day of July last past, unanimously resolve that the reasons assigned by the continental congress, for declaring the united colonies free and independent states, are cogent, and conclusive; and that, while we lament the cruel necessity which has rendered that measure unavoidable, we approve the same, and will, at the risk of our lives and fortunes, join with the other colonies in support of it.

Powers of the Convention.

By virtue of which several acts, declarations, and proceedings, mentioned and contained in the aforerecited resolves or resolutions of the general congress of the United American States, and of the congress or conventions of this state, all power whatever therein hath reverted to the people thereof, and this convention hath, by their suffrages and free choice, been appointed, and, among other things, authorized to institute and establish such a government as they shall deem best calculated to secure the rights and liberties of the good people of this state, most conducive to the happiness and safety of their constituents in particular, and of America in general.

All authority derived from the people.

I. This convention, therefore, in the name and by the authority of the good people of this state, DOTH ORDAIN, DETERMINE, AND DECLARE, That no authority shall, on any pretence whatever, be exercised over the people or members of this state, but such as shall be derived from and granted by them.

Legislative power.

II. This convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE, AND DECLARE, That the supreme

legislative power within this state, shall be vested in two separate and distinct bodies of men; the one to be called the Assembly of the state of New York; the other to be called the Senate of the state of New York; who, together, shall form the Legislature, and m[illegible] once at least in every year for the despatch of business.

Council of Revision.

III. AND WHEREAS laws inconsistent with the spirit of this constitution, or with the public good, may be hastily and unadvisedly passed: BE IT ORDAINED, That the governor, for the time being, the chancellor and the judges of the supreme court, or any two of them, together with the governor, shall be, and hereby are, constituted a council to revise all bills about to be passed into laws by the legislature. And for that purpose shall assemble themselves, from time to time, when the legislature shall be convened; for which, nevertheless, they shall not receive any salary or consideration under any pretence whatever. And that all bills which have passed the senate and assembly, shall, before they become laws, be presented to the said council for their revisal and consideration; and if upon such revision and consideration, it should appear improper to the said council, or a majority of them, that the said bill should become a law of this state, that they return the same, together with their objections thereto in writing, to the senate or house of assembly, in whichsoever the same shall have originated, who shall enter the objections sent down by the council, at large, in their minutes, and proceed to re-consider the said bill. But if after such re-consideration, two-thirds of the said senate or house of assembly, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall be a law.

And in order to prevent any unnecessary delays,

Be it further ordained, That if any bill shall not be returned by the council, within ten days after it shall have been presented, the same shall be a law, unless the legislature shall, by their adjournment, render a return of the said bill within ten days impracticable; in which case, the bill shall be returned on the first day of the meeting of the legislature, after the expiration of the said ten days.

Bills to become laws if not returned in ten days.

IV. That the assembly shall consist of at least seventy members, to be annually chosen in the several counties, in the proportion following, viz:

The Assembly.

For the City and County of New York,	Nine.
" The City and County of Albany,	Ten.
" The County of Dutchess,	Seven.
" The County of Westchester,	Six.
" The County of Ulster,	Six.
" The County of Suffolk,	Five.
" The County of Queens,	Four.
" The County of Orange,	Four.
" The County of Kings,	Two.
" The County of Richmond,	Two.
" The County of Tryon,	Six.
" The County of Charlotte,	Four.
" The County of Cumberland,	Three.
" The County of Gloucester,	Two.

Representation apportioned to each county.

Note. Representation increased to 112 Members of Assembly, and counties increased to 47.

V. That as soon after the expiration of seven years, subsequent to the termination of the present war, as may be, a census of the electors and inhabitants in this state be taken, under the direction of the legislature. And if on such census it shall appear, that the number of representatives in assembly from the said counties is not justly proportioned to the number of electors in the said counties respectively, that the legislature do adjust and apportion the same by that rule. And further, that once in every seven years, after the taking of the said first census, a just account of the electors

Census, when and how to be taken.

resident in each county shall be taken; and if it shall thereupon appear that the number of electors in any county shall have increased or diminished one or more seventieth parts of the whole number of electors, which on the said first census shall be found in this state, the number of representatives for such county shall be increased or diminished accordingly, that is to say, one representative for every seventieth part, as aforesaid.

Ballot, opinion of voting by.

VI. *And whereas* an opinion hath long prevailed among divers of the good people of this state, that voting at elections by ballot would tend more to preserve the liberty and equal freedom of the people, than voting *vivâ voce;* To the end, therefore, that a fair experiment be made, which of those two methods of voting is to be preferred:

After the war experiment to be made.

Be it ordained, That as soon as may be, after the termination of the present war between the United States of America and Great Britain, an act or acts be passed by the legislature of this state, for causing all elections thereafter to be held in this state for senators and representatives in assembly, to be by ballot, and directing the manner in which the same shall be conducted. *And whereas* it is possible, that after all the care of the legislature, in framing the said act or acts, certain inconveniences and mischiefs, unforeseen at this day, may be found to attend the said mode of electing by ballot:

To be abolished if found inconvenient.

It is further ordained, That if after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the state, than the method of voting *vivâ voce,* it shall be lawful and constitutional for the legislature to abolish the same: *Provided* two-thirds of the members present in each house respectively shall concur therein. And further, that during the continuance of the present war, and until the legislature of this state shall provide for the election of senators, and representa-

tives in Assembly, by ballot, the said elections shall be made *vivâ voce*.

Qualifications of electors.

VII. That every male inhabitant of full age, who shall have personally resided within one of the counties of this state for six months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in assembly; if during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds, within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this state: *Provided always*, That every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New York, on or before the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities respectively, shall be entitled to vote for representatives in Assembly within his said place of residence.

Oath of allegiance.

VIII. That every elector, before he is admitted to vote, shall, if required by the returning officer or either of the inspectors, take an oath, or if of the people called Quakers, an affirmation of allegiance to the state.

Privileges of members of Assembly.

IX. That the assembly thus constituted, shall choose their own speaker, be judges of their own members, and enjoy the same privileges, and proceed in doing business, in like manner as the assemblies of the colony of New York of right formerly did; and that a majority of the said members shall, from time to time, constitute a house to proceed upon business.

A quorum.

Number of Senators, and by whom chosen. Vide amendments to constitution.

X. And this convention doth further, in the name, and by the authority of the good people of this state, ORDAIN, DETERMINE, AND DECLARE, that the senate of the state of New York shall consist of twenty-

four freeholders, to be chosen out of the body of the freeholders, and that they be chosen by the freeholders of this state, possessed of freeholds of the value of one hundred pounds, over and above all debts charged thereon.

Their term of election, and rotation in office.

XI. That the members of the senate be elected for four years, and, immediately after the first election, they be divided by lot into four classes, six in each class, and numbered one, two, three, and four; and that the seats of the members of the first class shall be vacated at the expiration of the first year; the second class the second year, and so on continually, to the end, that the fourth part of the senate, as nearly as possible, may be annually chosen.

Manner of choosing.

XII. That the election of senators shall be after this manner: that so much of this state as is now parcelled into counties, be divided into four great districts: the southern district to comprehend the city and county of New York, Suffolk, Westchester, Kings, Queens, and Richmond counties; the middle district to comprehend the counties of Dutchess, Ulster, and Orange; the western district, the city and county of Albany, and Tryon county; and the eastern district, the counties of Charlotte, Cumberland and Gloucester. That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, viz: in the southern district, nine; in the middle district, six; in the western district, six; and in the eastern district, three. *And be it ordained*, that a census shall be taken as soon as may be after the expiration of seven years from the termination of the present war, under the direction of the legislature; and if, on such census, it shall appear that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion, as near as may be, to the number of freeholders, qualified as aforesaid, in each district.

Census and apportionment of the Senators.

That when the number of electors within any of the said districts shall have increased one twenty-fourth part of the whole number of electors, which by the said census shall be found to be in this state, an additional senator shall be chosen by the electors of such district. That a majority of the number of senators, to be chosen as aforesaid, shall be necessary to constitute a senate sufficient to proceed upon business; and that the senate shall, in like manner with the assembly, be the judges of its own members. *And be it ordained*, that it shall be in the power of the future legislatures of this state, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts, as to them shall appear necessary.

A quorum.

To be judges of their own members.

Other counties and districts may be erected.

XIII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE, AND DECLARE, that no member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to the subjects of this state by this constitution, unless by the law of the land, or the judgment of his peers.

No person to be disfranchised but by law.

XIV. That neither the assembly nor the senate shall have power to adjourn themselves for any longer time than two days, without the mutual consent of both.

No adjournment of either house for more than two days but by mutual consent.

XV. That, whenever the assembly and senate disagree, a conference shall be held in the presence of both, and be managed by committees, to be by them respectively chosen by ballot. That the doors, both of the senate and assembly, shall at all times be kept open to all persons, except when the welfare of the state shall require their debates to be kept secret. And the journals of all their proceedings shall be kept in the manner heretofore accustomed by the general assembly of the colony of New

Conference between them.

Doors to be open, and

Journals, how kept and published.

York; and, except such parts as they shall, as aforesaid, respectively determine not to make public, be, from day to day, if the business of the legislature will permit, published.

Number of the Senate and Assembly limited.

XVI. It is, nevertheless, provided, that the number of senators shall never exceed one hundred, nor the number of the assembly three hundred; but that, whenever the number of senators shall amount to one hundred, or of the assembly to three hundred, then, and in such case, the legislature shall, from time to time hereafter, by laws for that purpose, apportion and distribute the said one hundred senators and three hundred representatives among the great districts, and counties of this state, in proportion to the number of their respective electors, so that the representation of the good people of this state, both in the senate and assembly, shall for ever remain proportionate and adequate.

See Amendments to Constitution.

Executive power vested in a Governor.

When and how to be chosen.

XVII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE, AND DECLARE, that the supreme executive power and authority of this state shall be vested in a governor; and that, statedly, once in every three years, and as often as the seat of government shall become vacant, a wise and discreet freeholder of this state shall be, by ballot, elected governor, by the freeholders of this state, qualified, as before described, to elect senators, which elections shall be always held at the times and places of choosing representatives in assembly for each respective county; and that the person who hath the greatest number of votes within the said state, shall be the governor thereof.

His power.

XVIII. That the governor shall continue in office three years, and shall, by virtue of his office, be general and commander-in-chief of all the militia, and admiral of the navy, of this state; that he shall have power to convene the assembly and senate on

extraordinary occasions; to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year; and, at his discretion, to grant reprieves and pardons to persons convicted of crimes other than treason or murder, in which he may suspend the execution of the sentence, until it shall be reported to the legislature, at their subsequent meeting, and they shall either pardon or direct the execution of the criminal, or grant a further reprieve. His power

XIX. That it shall be the duty of the governor to inform the legislature, at every session, of the condition of the state, so far as may respect his department; to recommend such matters to their consideration as shall appear to him to concern its good government, welfare, and prosperity; to correspond with the continental congress, and other states; to transact all necessary business with the officers of government, civil and military; to take care that the laws are faithfully executed, to the best of his ability; and to expedite all such measures as may be resolved upon by the legislature. And duty.

XX. That a lieutenant governor shall, at every election of a governor, and as often as the lieutenant governor shall die, resign, or be removed from office, be elected in the same manner with the governor, to continue in office until the next election of a governor, and such lieutenant governor shall, by virtue of his office, be president of the senate, and, upon an equal division, have a casting vote in their decisions, but not vote on any other occasion. Lt. Governor. To be president of the senate.

And in case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the state, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor, until another be chosen, or the governor absent, or impeached, shall return, or be acquitted. *Provided,* that where the governor His further power and duty.

shall, with the consent of the legislature, be out of the state, in time of war, at the head of a military force thereof, he shall still continue in the command of all the military force of the state, both by sea and land.

In his absence a president to be chosen by the senate.

XXI. That whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as president of the senate, the senators shall have power to elect one of their own members to the office of president of the senate, which he shall exercise *pro hâc vice*. And if, during such vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall, in like manner as the lieutenant governor, administer the government, until others shall be elected by the suffrage of the people, at the succeeding election.

His power and duty.

Treasurer.

XXII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE, AND DECLARE, that the treasurer of this state shall be appointed by act of the legislature, to originate with the Assembly. *Provided*, that he shall not be elected out of either branch of the legislature.

Council of appointment.

XXIII. That all officers, other than those who, by this constitution, are directed to be otherwise appointed, shall be appointed in the manner following, to wit: The assembly shall, once in every year, openly nominate and appoint one of the senators from each great district, which senators shall form a council, for the appointment of the said officers, of which the governor for the time being, or the lieutenant governor, or the president of the senate (when they shall respectively administer the government), shall be president, and have a casting voice, *but no qther vote*; and, with the advice and consent of the said council, shall appoint all the

See Amendments to Constitution.

said officers; and that a majority of the said council be a quorum: *And further*, The said senators shall not be eligible to the said council for two years successively.

Tenure of certain offices.

XXIV. That all military officers be appointed during pleasure; that all commissioned officers, civil and military, be commissioned by the governor; and that the chancellor, the judges of the supreme court, and first judge of the county court in every county, hold their offices during good behavior, or until they shall have respectively attained the age of sixty years.

Tenure of certain judicial offices.

XXV. That the chancellor and judges of the supreme court shall not, at the same time, hold any other office, excepting that of delegate to the general congress, upon special occasions; and that the first judges of the county courts, in the several counties, shall not, at the same time, hold any other office, excepting that of senator, or delegate to the general congress. But if the chancellor, or either of the said judges, be elected or appointed to any other office, excepting as is before excepted, it shall be at his option in which to serve.

Sheriffs and coroners.

XXVI. That sheriffs and coroners be annually appointed; and that no person shall be capable of holding either of the said offices more than four years successively; nor the sheriff of holding any other office at the same time.

Registers, clerks, and marshal, by whom appointed.

XXVII. *And be it further ordained*, That the register, and clerks in chancery, be appointed by the chancellor; the clerks of the supreme court, by the judges of the said court; the clerk of the court of probates, by the judge of the said court; and the register and marshal of the court of admiralty, by the judge of the admiralty. The said marshals, registers, and clerks, to continue in office during the pleasure of those by whom they are to be appointed as aforesaid.

Attorneys, solicitors, and counsellors, by whom appointed.

And all attorneys, solicitors, and counsellors at law, hereafter to be appointed, be appointed by the court, and licensed by the first judge of the court in which they shall respectively plead or practise; and be regulated by the rules and orders of the said courts.

Duration of offices.

XXVIII. *And be it further ordained,* That where, by this constitution, the duration of any office shall not be ascertained, such office shall be construed to be held during the pleasure of the council of appointment: *Provided,* that new commissions shall be issued to judges of the county courts (other than to the first judge), and to justices of the peace, once at least in every three years.

Town officers.

XXIX. That town clerks, supervisors, assessors, constables, and collectors, and all other officers, heretofore eligible by the people, shall always continue to be so eligible, in the manner directed by the present or future acts of the legislature.

Loan officers, county treasurers and supervisor's clerks.

That loan officers, county treasurers, and clerks of the supervisors, continue to be appointed in the manner directed by the present or future acts of the Legislature.

Delegates to congress.

XXX. That delegates to represent this state in the general congress of the United States of America be annually appointed, as follows, to wit: The senate and assembly shall each openly nominate as many persons as shall be equal to the whole number of delegates to be appointed; after which nomination they shall meet together, and those persons named in both lists, shall be delegates; and out of those persons whose names are not on both lists one half shall be chosen by the joint ballot of the senators and members of assembly, so met together as aforesaid.

Vide the manner of electing members of congress directed by the constitution of the United States.

Style of laws and form of process.

XXXI. That the style of all laws shall be as follows, to wit: "*Be it enacted by the people of the State of New York, represented in Senate and As-*

sembly, and that all writs and other proceedings shall run in the name of *the people of the State of New York*, and be tested in the name of the chancellor, or chief judge of the court from whence they shall issue.

Court for the trial of impeachments, and the correction of errors.

XXXII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE, AND DECLARE, that a court shall be instituted for the trial of impeachments and the correction of errors, under the regulations which shall be established by the legislature, and to consist of the President of the senate for the time being, and the senators, chancellor, and judges of the supreme court, or the major part of them; except that when an impeachment shall be prosecuted against the chancellor, or either of the judges of the supreme court, the person so impeached shall be suspended from exercising his office, until his acquittal: and, in like manner, when an appeal, from a decree in equity, shall be heard, the chancellor shall inform the court of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined shall be brought up by writ of error, on a question of law, on a judgment in the supreme court, the judges of the court shall assign the reasons of such their judgment, but shall not have a voice for its affirmance or reversal.

Power of impeachment, and manner of proceeding.

XXXIII. That the power of impeaching all officers of the state, for mal and corrupt conduct in their respective offices, be vested in the representatives of the people in assembly; but that it shall always be necessary that two-third parts of the members present shall consent to and agree in such impeachment. That, previous to the trial of every impeachment, the members of the said court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to

evidence; and that no judgment of the said court shall be valid unless it shall be assented to by two-third parts of the members then present; nor shall it extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this state. But the party so convicted shall be, nevertheless, liable and subject to indictment, trial, judgment, and punishment, according to the laws of the land.

Party accused to be allowed counsel.

XXXIV. *And it is further ordained*, That in every trial on impeachment, or indictment for crimes or misdemeanors, the party impeached or indicted shall be allowed counsel, as in civil actions.

Law of the state.

XXXV. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE, AND DECLARE, that such parts of the common law of England, and of the statute law of England and Great Britain, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony on the 19th day of April, in the year of our Lord one thousand seven hundred and seventy-five, shall be and continue the law of this state, subject to such alterations and provisions as the legislature of this state shall, from time to time, make concerning the same. That such of the said acts as are temporary, shall expire at the times limited for their duration respectively. That all such parts of the said common law, and all such of the said statutes and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of Christians or their ministers, or concern the allegiance heretofore yielded to, and the supremacy, sovereignty, government, or prerogatives, claimed or exercised by the king of Great Britain and his predecessors, over the colony of New York and its inhabitants, or are repugnant to this constitution, be, and they hereby are, abrogated

and rejected. And this convention doth further ordain, that the resolves or resolutions of the congress of the colony of New York, and of the convention of the state of New York, now in force, and not repugnant to the government established by this constitution, shall be considered as making part of the laws of this state; subject, nevertheless, to such alterations and provisions as the legislature of this state may, from time to time, make concerning the same.

Grants by the King after a certain period void.

XXXVI. *And be it further ordained*, That all grants of land within this state, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but that nothing in this constitution contained, shall be construed to affect any grants of land, within this state, made by the authority of the said king or his predecessors, or to annul any charters to bodies politic, by him or them, or any of them, made prior to that day. And that none of the said charters shall be adjudged to be void, by reason of any nonuser or misuser of any of their respective rights or privileges, between the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, and the publication of this constitution. *And further*, that all such of the officers, described in the said charters respectively, as, by the terms of the said charters, were to be appointed by the governor of the colony of New York, with or without the advice and consent of the council of the said king, in the said colony, shall henceforth be appointed by the council established by this constitution for the appointment of officers in this state, until otherwise directed by the legislature.

Charter rights and former grants preserved.

XXXVII. *And whereas* it is of great importance to the safety of this state that peace and amity with

the Indians within the same, be at all times supported and maintained: AND WHEREAS the frauds, too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities: BE IT ORDAINED, that no purchases or contracts for the sale of lands made since the 14th day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which may hereafter be made with or of the said Indians, within the limits of this state, shall be binding on the said Indians, or deemed valid, unless made under the authority and with the consent of the legislature of this state.

Purchases of lands from the Indians.

XXXVIII. *And whereas* we are required, by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind: this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE, and DECLARE, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever hereafter be allowed within this state to all mankind: *Provided*, that the liberty of conscience hereby granted shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

Free exercise of religion.

XXXIX. *And whereas* the ministers of the gospel are, by their profession, dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function; therefore, no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatever,

No minister or priest to hold any office.

be eligible to or capable of holding, any civil or military office or place within this state.

Militia.

XL. *And whereas* it is of the utmost importance to the safety of every state, that it should always be in a condition of defence; and it is the duty of every man who enjoys the protection of society, to be prepared and willing to defend it; this convention, therefore, in the name, and by the authority of the good people of this state, DOTH ORDAIN, DETERMINE AND DECLARE, That the militia of this state, at all times hereafter, as well in peace as in war, shall be armed and disciplined, and in readiness for service. That all such of the inhabitants of this state (being of the people called Quakers) as, from scruples of conscience, may be averse to the bearing of arms, be therefrom excused by the legislature, and do pay to the state such sums of money, in lieu of their personal service, as the same may, in the judgment of the legislature, be worth: And that a proper magazine of warlike stores proportionate to the number of inhabitants, be for ever hereafter, at the expense of this state, and by acts of the legislature, established, maintained, and continued, in every county in this state.

Magazines.

Trial by jury.

XLI. And this convention doth further ORDAIN, DETERMINE AND DECLARE, in the name, and by the authority of the good people of this state, that trial by jury, in all cases, in which it hath heretofore been used in the colony of New York, shall be established, and remain inviolate for ever: And that no acts of attainder shall be passed by the legislature of this state, for crimes other than those committed before the termination of the present war; and that such acts shall not work a corruption of blood. And further, that the legislature of this state shall, at no time hereafter, institute any new court or courts, but such as shall proceed according to the course of the common law.

New court.

Naturalization.

XLII. And this convention doth further, in the name and by the authority of the good people of this state, ORDAIN, DETERMINE AND DECLARE, That it shall be in the discretion of the legislature to naturalize all such persons, and in such manner, as they shall think proper; provided all such of the persons so to be by them naturalized, as being born in parts beyond sea, and out of the United States of America, shall come to settle in, and become subjects of this state, shall take an oath of allegiance to this state, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate, and state, in all matters, ecclesiastical as well as civil.

By order:

LEONARD GANSEVOORT, *Pres. pro tem.*

AMENDMENTS.

IN CONVENTION OF THE DELEGATES OF THE STATE OF NEW YORK.

Albany, October 27, 1801.

Preamble.

WHEREAS the legislature of this state, by their act passed the sixth day of April last, did propose to the citizens of this state to elect by ballot delegates to meet in convention, "for the purpose of considering the parts of the constitution of this state, respecting the number of senators and members of assembly in this state, and with power to reduce and limit the number of them as the said convention might deem proper; and also for the purpose of considering and determining the true construction of the twenty-third article of the constitution of this state relative to the right of nomination to office."

And whereas the people of this state have elected the members of this convention for the purpose above expressed; and this convention having maturely considered the subject thus submitted to their determination, do, in the name and by the authority of the people of this state, ORDAIN, DETERMINE, AND DECLARE:

Members of Assembly to be 100 and never to exceed 150.

I. That the number of the members of the assembly hereafter to be elected, shall be one hundred, and shall never exceed one hundred and fifty.

To be apportioned by the Legislature.

II. That the legislature, at their next session, shall apportion the said one hundred members of the assembly among the several counties of this state, as nearly as may be, according to the number of electors which shall be found to be in each county

by the census directed to be taken in the present year.

Number of Senators reduced to 32, and the manner of reducing.

III. That from the first Monday in July next, the number of the senators shall be permanently thirty-two, and that the present number of senators shall be reduced to thirty-two in the following manner, that is to say:—The seats of the eleven senators composing the first class, whose time of service will expire on the first Monday in July next, shall not be filled up: and out of the second class the seats of one senator from the middle district, and of one senator from the southern district, shall be vacated by the senators of those districts belonging to that class, casting lots among themselves; out of the third class the seats of two senators from the middle district, and of one senator from the eastern district, shall be vacated in the same manner; out of the fourth class the seats of one senator from the middle district, of one senator from the eastern district, and of one senator from the western district, shall be vacated in the same manner; and if any of the said classes shall neglect to cast lots, the senate shall in such case proceed to cast lots for such class or classes so neglecting. And that eight senators shall be chosen at the next election in such districts as the legislature shall direct, for the purpose of apportioning the whole number of senators amongst the four great districts of this state, as nearly as may be, according to the number of electors qualified to vote for senators, which shall be found to be in each of the said districts by the census above mentioned; which eight senators so to be chosen shall form the first class.

Mode of increasing the Assembly till it arrive to 150, and the Legislature to apportion Senators and Assemblymen.

IV. That from the first Monday in July next, and on the return of every census thereafter, the number of the assembly shall be increased at the rate of two members for every year, until the whole number shall amount to one hundred and fifty; and

upon the return of every such census, the legislature shall apportion the senators and members of the assembly amongst the great districts and counties of this state, as nearly as may be, according to the number of their respective electors: *Provided*, That the legislature shall not be prohibited by anything herein contained, from allowing one member of assembly to each county, heretofore erected within this state.

True construction of 23d article of constitution declared as to the council of appointment.

V. And this convention do further, in the name and by the authority of the people of this state, ORDAIN, DETERMINE AND DECLARE, That by the true construction of the twenty-third article of the constitution of this state, the right to nominate all officers other than those who by the constitution are directed to be otherwise appointed, is vested concurrently in the person administering the government of this state for the time being, and in each of the members of the council of appointment.

By order, A. BURR, *President of the Convention, and Delegate from Orange County.*

Attest,

JAMES VAN INGEN, } *Secretaries.*
JOSEPH CONSTANT, }

THE

CONSTITUTION OF THE

STATE OF NEW YORK.

FORMED IN 1821.

WE, the people of the state of New York, acknowledging with gratitude the grace and beneficence of God in permitting us to make choice of our form of government, do establish this constitution.

ARTICLE FIRST.

Legislative power.

SEC. I. The legislative power of this state shall be vested in a senate and an assembly.

Senate, number of. Assembly, number of

SEC. II. The senate shall consist of thirty-two members. The senators shall be chosen for four years, and shall be freeholders. The assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

Powers of each house.

SEC. III. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the qualifications of its own members. Each house shall choose its own officers, and the senate shall choose a temporary president, when the lieutenant-governor shall not attend as president, or shall act as governor.

Journals to be kept, &c.

SEC. IV. Each house shall keep a journal of its proceedings, and publish the same, except such parts

as may require secresy. The doors of each house shall be kept open, except when the public welfare shall require secresy. Neither house shall, without the consent of the other, adjourn for more than two days.

State divided into 8 senatorial districts.

SEC. V. The state shall be divided into eight districts, to be called senate districts, each of which shall choose four senators.

No. 1. The first district shall consist of the counties of Suffolk, Queens, Kings, Richmond, and New York.

No. 2. The second district shall consist of the counties of Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan.

No. 3. The third district shall consist of the counties of Green, Columbia, Albany, Rensselaer, Schoharie, and Schenectady.

No. 4. The fourth district shall consist of the counties of Saratoga, Montgomery, Hamilton, Washington, Warren, Clinton, Essex, Franklin, and St. Lawrence.

No. 5. The fifth district shall consist of the counties of Herkimer, Oneida, Madison, Oswego, Lewis, and Jefferson.

No. 6. The sixth district shall consist of the counties of Delaware, Otsego, Chenango, Broome, Cortland, Tompkins, and Tioga.

No. 7. The seventh district shall consist of the counties of Onondaga, Cayuga, Seneca, and Ontario.

No. 8. The eighth district shall consist of the counties of Steuben, Livingston, Monroe, Genesee, Niagara, Erie, Allegany, Cattaraugus, and Chautauque.

Senate to be divided into classes by lot.

And as soon as the senate shall meet, after the first election to be held in pursuance of this constitution, they shall cause the senators to be divided by lot into four classes, of eight in each, so that every district shall have one senator of each class: the classes to be numbered, one, two, three, and four. And the seats of the first class shall be vacated at the end of the first year; of the second class, at the end of the second

year; of the third class, at the end of the third year; of the fourth class, at the end of the fourth year; in order that one senator be annually elected in each senate district.

Census to be taken in 1825; and every ten years. Districts to be altered.

SEC. VI. An enumeration of the inhabitants of the state shall be taken, under the direction of the legislature, in the year one thousand eight hundred and twenty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the legislature, at the first session after the return of every enumeration, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, paupers, and persons of color not taxed; and shall remain unaltered, until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a senate district.

Members of assembly chose by counties to b apportioned.

SEC. VII. The members of the assembly shall be chosen by counties, and shall be apportioned among the several counties of this state, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, paupers, and persons of color, not taxed. An apportionment of members of assembly shall be made by the legislature, at its first session after the return of every enumeration; and, when made, shall remain unaltered until another enumeration shall have been taken. But an apportionment of members of the assembly shall be made by the present legislature according to the last enumeration, taken under the authority of the United States, as nearly as may be. Every county heretofore established, and separately organized, shall always be entitled to one member of the assembly, and no new county shall hereafter be erected, unless its population shall entitle it to a member.

Each county entitled to one member.

Bills may originate in either house.

SEC. VIII. Any bill may originate in either house of the legislature; and all bills passed by one house, may be amended by the other.

Pay of members.

SEC. IX. The members of the legislature shall receive for their services a compensation to be ascertained by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the year in which it shall have been made. And no law shall be passed increasing the compensation of the members of the legislature beyond the sum of three dollars a day.

No member to receive an appointment.

SEC. X. No member of the legislature shall receive any civil appointment from the governor and senate, or from the legislature, during the term for which he shall have been elected.

Persons disqualified from being members.

SEC. XI. No person being a member of congress, holding any judicial or military office under the United States, shall hold a seat in the legislature. And if any person shall, while a member of the legislature, be elected to congress, or appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

Bills to be presented to the governor for signature. If returned by him with objections, how disposed of.

SEC. XII. Every bill which shall have passed the senate and assembly shall, before it become a law, be presented to the governor: if he approve, he shall sign it, but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it: if, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members present, it shall become a law; but in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been pre-

Bills to be returned within ten days.

sented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return; in which case it shall not be a law.

Certain officers may be removed by joint resolution.

SEC. XIII. All officers holding their offices during good behavior may be removed by joint resolution of the two houses of the legislature, if two-thirds of all the members elected to the assembly, and a majority of all the members elected to the senate, concur therein.

Legislature when to meet.

SEC. XIV. The political year shall begin on the first day of January; and the legislature shall every year assemble on the first Tuesday of January, unless a different day shall be appointed by law.

Time of election fixed.

SEC. XV. The next election for governor, lieutenant-governor, senators, and members of assembly, shall commence on the first Monday of November, one thousand eight hundred and twenty-two; and all subsequent elections shall be held at such time, in the month of October or November, as the legislature shall by law provide.

Officers to hold places till 1st Jan., 1823.

SEC. XVI. The governor, lieutenant-governor, senators, and members of assembly, first elected, under this constitution, shall enter on the duties of their respective offices on the first day of January, one thousand eight hundred and twenty-three; and the governor, lieutenant-governor, senators, and members of assembly, now in office, shall continue to hold the same, until the first day of January one thousand eight hundred and twenty-three, and no longer.

ARTICLE SECOND.

Qualifications of electors.

SEC. I. Every male citizen of the age of twenty-one years, who shall have been an inhabitant of this state one year preceding any election, and for the last six months a resident of the town or county where he may offer his vote; and shall have, within

the year next preceding the election, paid a tax to the state or county, assessed upon his real or personal property; or shall by law be exempted from taxation; or being armed or equipped according to law, shall have performed within that year military duty in the militia of this state; or who shall be exempted from performing militia duty in consequence of being a fireman in any city, town, or village in this state: And also, every male citizen of the age of twenty-one years, who shall have been, for three years next preceding such election, an inhabitant of this state, and for the last year a resident in the town or county where he may offer his vote; and shall have been, within the last year, assessed to labor on the public highways, and shall have performed the labor, or paid an equivalent therefor, according to law; shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people. But no man of color, unless he shall have been for three years a citizen of this state, and for one year next preceding any election shall be seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon; and shall have been actually rated, and paid a tax thereon, shall be entitled to vote at any such election. And no person of color shall be subject to direct taxation, unless he shall be seized and possessed of such real estate as aforesaid.

Freehold required for a man of color.

Persons excluded from right of suffrage.

SEC. II. Laws may be passed, excluding from the right of suffrage persons who have been, or may be, convicted of infamous crimes.

Laws to be passed.

SEC. III. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage, hereby established.

Election to be by ballot.

SEC. IV. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

ARTICLE THIRD.

Executive power how vested.

SEC. I. The executive power shall be vested in a governor. He shall hold his office for two years; and a lieutenant-governor shall be chosen for the same time, and for the same term.

Requisite qualifications of the governor.

SEC. II. No person, except a native citizen of the United States, shall be eligible to the office of governor, nor shall any person be eligible to that office who shall not be a freeholder, and shall not have attained the age of thirty years, and have been for five years a resident within the state; unless he shall have been absent during that time on public business of the United States, or of this state.

Time and manner of electing governor and lieutenant-governor.

SEC. III. The governor and lieutenant-governor shall be elected at the times and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor, and lieutenant-governor, shall be elected; but in case two or more shall have an equal and the highest number of votes for governor, or for lieutenant-governor, the two houses of the legislature shall, by joint ballot, choose one of the said persons, so having an equal and the highest number of votes, for governor or lieutenant-governor.

Duties and power of governor.

SEC. IV. The governor shall be general and commander-in-chief of all the militia, and admiral of the navy of the state. He shall have power to convene the legislature (or the senate only) on extraordinary occasions. He shall communicate by message to the legislature, at every session, the condition of the state; and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. He shall, at stated times, receive for his services a

His compensation.

compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

Pardoning power vested in the governor.

SEC. V. The governor shall have power to grant reprieves and pardons after conviction, for all offences, except treason and cases of impeachment. Upon convictions for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the legislature at its next meeting; when the legislature shall either pardon, or direct the execution of the criminal, or grant a further reprieve.

Powers of governor devolve on the lieut. governor.

SEC. VI. In case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the governor absent or impeached shall return or be acquitted. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the state.

Lt. gov. to be president of the senate.

To act as gov. in certain cases.

SEC. VII. The lieutenant-governor shall be president of the senate, but shall have only a casting vote therein. If, during the vacancy of the office of governor, the lieutenant-governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall act as governor, until the vacancy shall be filled, or the disability shall cease.

ARTICLE FOURTH.

Manner of choosing or appointing militia officers.

SEC. I. Militia officers shall be chosen, or appointed, as follows: Captains, subalterns, and non-commissioned officers shall be chosen by the written votes of the members of their respective companies. Field-

officers of regiments, and separate battalions, by the written votes of the commissioned officers of the respective regiments, and separate battalions. Brigadier-generals, by the field officers of their respective brigades. Major-generals, brigadier-generals, and commanding officers of regiments or separate battalions, shall appoint the staff-officers to their respective divisions, brigades, regiments, or separate battalions.

Officers to be appointed by the governor and senate.

SEC. II. The governor shall nominate, and, with the consent of the senate, appoint, all major-generals, brigade inspectors, and chiefs in the staff departments, except the adjutant-general and commissary-general. The adjutant-general shall be appointed by the governor.

Election of militia officers.

SEC. III. The legislature shall, by law, direct the time and manner of electing militia officers, and of certifying their elections to the governor.

Officers how commissioned.

SEC. IV. The commissioned officers of the militia shall be commissioned by the governor; and no commissioned officer shall be removed from office unless by the senate on the recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, pursuant to law. The present officers of the militia shall hold their commission, subject to removal as before provided.

Election of militia officers may be abolished.

SEC. V. In case the mode of election and appointment of militia officers directed, shall not be found conducive to the improvement of the militia, the legislature may abolish the same, and provide by law for their appointment and removal, if two-thirds of the members present in each house shall concur therein.

State officers how elected.

SEC. VI. The secretary of state, comptroller, treasurer, attorney-general, surveyor-general, and commissary-general, shall be appointed as follows: The senate and assembly shall each openly nominate one person for the said offices respectively: after which, they shall meet together, and if they shall agree in

their nominations, the person so nominated shall be appointed to the office for which he shall be nominated. If they shall disagree, the appointment shall be made by the joint ballot of the senators and members of assembly. The treasurer shall be chosen annually. The secretary of state, comptroller, attorney-general, surveyor-general, and commissary-general, shall hold their offices for three years, unless sooner removed by concurrent resolution of the senate and assembly.

Terms of office.

Officers to be appointed by governor and senate.

Justices of peace how appointed.

SEC. VII. The governor shall nominate, by message, in writing, and with the consent of the senate, shall appoint all judicial officers, except justices of the peace, who shall be appointed in manner following, that is to say: The board of supervisors in every county in this state, shall, at such times as the legislature may direct, meet together: and they or a majority of them so assembled, shall nominate so many persons as shall be equal to the number of justices of the peace to be appointed in the several towns in the respective counties. And the judges of the respective county courts, or a majority of them, shall also meet and nominate a like number of persons: and it shall be the duty of the said boards of supervisors, and judges of county courts, to compare such nominations, at such time and place as the legislature may direct; and if, on such comparison, the said boards of supervisors and judges of county courts shall agree in their nominations, in all or in part, they shall file a certificate of the nominations in which they shall agree in the office of the clerk of the county; and the person or persons named in such certificates shall be justices of the peace; and in case of disagreement in whole or in part, it shall be the further duty of the said boards of supervisors and judges, respectively, to transmit their said nominations, so far as they disagree in the same, to the governor, who shall select from the said nominations, and appoint so many justices of the peace as shall be requisite to fill the va-

cancies. Every person appointed a justice of the peace shall hold his office for four years, unless removed by the county court, for causes particularly assigned by the judges of the said court. And no justice of the peace shall be removed, until he shall have notice of the charges made against him, and an opportunity of being heard in his defence. Term of office how removed.

SEC. VIII. Sheriffs, and clerks of counties, including the register, and clerks of the city and county of New York, shall be chosen by the electors of the respective counties, once in every three years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security, from time to time, and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. And the governor may remove any such sheriff, clerk, or register, at any time within the three years for which he shall be elected, giving to such sheriff, clerk, or register, a copy of the charge against him, and an opportunity of being heard in his defence before any removal be made. Sheriffs, clerks of counties, and register and clerk of New York. Sheriffs, how removed.

SEC. IX. The clerks of courts, except those clerks whose appointment is provided for in the preceding section, shall be appointed by the courts of which they respectively are clerks; and district attorneys, by the county courts. Clerks of courts, and district attorneys, shall hold their offices for three years, unless sooner removed by the courts appointing them. Clerks of courts and district attorney.

SEC. X. The mayors of all the cities in this state shall be appointed annually by the common councils of their respective cities. Mayors.

SEC. XI. So many coroners as the legislature may direct, not exceeding four in each county, shall be elected in the same manner as sheriffs, and shall hold their offices for the same term, and be removable in like manner. Coroners.

Chancery officers.

SEC. XII. The governor shall nominate, and, with the consent of the senate, appoint masters and examiners in chancery; who shall hold their offices for three years, unless sooner removed by the senate, on the recommendation of the governor. The registers, and assisting-registers, shall be appointed by the chancellor, and hold their offices during his pleasure.

Clerks of oyer and terminer in New York.

SEC. XIII. The clerk of the courts of oyer and terminer, and general sessions of the peace, in and for the city and county of New York, shall be appointed by the court of general sessions of the peace in said city, and hold his office during the pleasure of the said court; and such clerks and other officers of courts, whose appointment is not herein provided for, shall be appointed by the several courts; or by the governor, with the consent of the senate, as may be directed by law.

Justices and clerks in N. Y.

SEC. XIV. The special justices, and the assistant-justices, and their clerks, in the city of New York, shall be appointed by the common council of this said city; and shall hold their offices for the same term that the justices of the peace, in the other counties in the state, hold their offices, and shall be removable in like manner.

Officers how chosen.

SEC. XV. All officers heretofore elective by the people shall continue to be elected; and all other officers whose appointment is not provided for by this constitution, and all officers, whose offices may be hereafter created by law, shall be elected by the people, or appointed as may by law be directed.

Duration of office.

SEC. XVI. Where the duration of any office is not prescribed by this constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

ARTICLE FIFTH.

Court of impeachments and correction of errors.

SEC. I. The court for the trial of impeachments and the correction of errors, shall consist of the presi-

dent of the senate, the senators, the chancellors, and the justices of the supreme court, or the major part of them: but when an impeachment shall be prosecuted against the chancellor, or any justice of the supreme court, the person so impeached shall be suspended from exercising his office, until his acquittal: and when an appeal from a decree in chancery shall be heard, the chancellor shall inform the court of the reasons for his decree, but shall have no voice in the final sentence; and when a writ of error shall be brought on a judgment of the supreme court, the justices of that court shall assign the reasons for their judgment, but shall not have a voice for its affirmance or reversal.

Power of impeaching.

SEC. II. The assembly shall have the power of impeaching all civil officers of this state for mal and corrupt practices in office, and high crimes and misdemeanors: but a majority of all the members elected shall concur in an impeachment. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try and determine the charge in question, according to evidence: and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than the removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under this state; but the party convicted shall be liable to indictment and punishment, according to law.

Chancellor, &c.

SEC. III. The chancellor, and justices of the supreme court, shall hold their offices during good behavior, or until they shall attain the age of sixty years.

Supreme court.

SEC. IV. The supreme court shall consist of a chief justice and two justices, any of whom may hold the court.

District courts

SEC. V. The state shall be divided, by law, into a

and circuit judges.

convenient number of circuits, not less than four, nor exceeding eight, subject to alteration by the legislature, from time to time, as the public good may require; for each of which a circuit judge shall be appointed, in the same manner, and hold his office by the same tenure, as the justices of the supreme court; and who shall possess the powers of a justice of the supreme court at chambers, and in the trial of issues joined in the supreme court, and in courts of oyer and terminer and jail delivery. And such equity powers may be vested in the said circuit judges, or in the county courts, or in such other subordinate courts, as the legislature may by law direct, subject to the appellate jurisdiction of the chancellor.

Judges of county courts.

SEC. VI. Judges of the county courts, and recorders of cities, shall hold their offices for five years, but may be removed by the senate, on the recommendation of the governor, for causes to be stated in the recommendation.

Chancellor nor judges to hold any other office.

SEC. VII. Neither the chancellor, nor justices of the supreme court, nor any circuit judges, shall hold any other office or public trust. All votes for any elective office, given by the legislature or the people, for the chancellor, or a justice of the supreme court, or circuit judge, during his continuance in his judicial office, shall be void.

ARTICLE SIXTH.

Oath of office prescribed.

SEC. I. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of —— according to the best of my ability.

And no other oath, declaration, or test, shall be required as a qualification for any office of public trust.

ARTICLE SEVENTH.

SEC. I. No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers.

Trial by jury.

SEC. II. The trial by jury, in all cases in which it has been heretofore used, shall remain inviolate for ever: and no new court shall be instituted, but such as shall proceed according to the course of the common law; except such courts of equity as the legislature is herein authorized to establish.

Religious liberty.

SEC. III. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever be allowed in this state to all mankind; but the liberty of conscience hereby secured shall not be so construed as to excuse any acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

Clergymen.

SEC. IV. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God, and the cure of souls, and ought not to be diverted from the great duties of their functions: therefore, no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding any civil or military office or place within this state.

Militia.

SEC. V. The militia of the state shall, at all times hereafter, be armed and disciplined, and in readiness for service; but all such inhabitants of this state, of any religious denomination whatever, as from scruples of conscience may be averse to bearing arms, shall be excused therefrom, by paying to the state an equivalent in money: and the legislature shall provide by law for the collection of such equivalent, to be

estimated according to the expense in time and money of an ordinary able-bodied militia man.

Writ of habeas corpus.

SEC. VI. The privileges of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require its suspension.

Grand jury.

SEC. VII. No person shall be held to answer for a capital or otherwise infamous crime [except in cases of impeachment, and in cases of the militia when in actual service; and the land and naval forces in time of war, or which this state may keep, with the consent of congress, in time of peace, and in case of petit larceny, under the regulation of the legislature], unless on presentment or indictment, of a grand jury; and in every trial on impeachment or indictment, the party accused shall be allowed counsel as in civil actions. No person shall be subject for the same offence to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law: nor shall private property be taken for public use, without just compensation.

Freedom of speech and of the press.

SEC. VIII. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions, or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Two-third bills.

SEC. IX. The assent of two-thirds of the members elected to each branch of the legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes, or creating,

continuing, altering, or renewing any body politic or corporate.

Common school fund.

SEC. X. The proceeds of all lands belonging to this state, except such parts thereof as may be reserved or appropriated to public use, or ceded to the United States, which shall hereafter be sold or disposed of, together with the fund denominated the common school fund, shall be and remain a perpetual fund, the interest of which shall be inviolably appropriated and applied to the support of common schools throughout this state.

Rates of toll.

Rates of toll, not less than those agreed to by the canal commissioners, and set forth in their report to the legislature on the twelfth of March, one thousand eight hundred and twenty-one, shall be imposed upon, and collected from, all parts of the navigable communication between the great western and northern lakes and the Atlantic ocean, which now are, or hereafter shall be, made and completed; and the said tolls, together with the duties on the manufacture of all salt, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen: and the duties on goods sold at auction, excepting therefrom the sum of thirty-three thousand five hundred dollars, otherwise appropriated by the said act; and the amount of the revenue, established by the act of the legislature of the thirtieth of March, one thousand eight hundred and twenty, in lieu of the tax upon steamboat passengers; shall be and remain inviolably appropriated and applied to the completion of such navigable communications, and to the payment of the interest, and reimbursement of the capital, of the money already borrowed, or which hereafter shall be borrowed, to make and complete the same.

Canal tolls.

And neither the rates of toll on the said navigable communications, nor the duties on the manufacture of salt aforesaid, nor the duty on goods sold at auction, as established by the act of the fifteenth of April, one thousand eight hundred and

seventeen; nor the amount of the revenue, established by the act of March the thirtieth, one thousand eight hundred and twenty, in lieu of the tax upon steamboat passengers; shall be reduced or diverted, at any time, before the full and complete payment of the principal and interest of the money borrowed, or to be borrowed, as aforesaid. And the legislature shall never sell or dispose of the salt springs belonging to this state, nor the land contiguous thereto, which may be necessary or convenient for their use, nor the said navigable communications, or any part or section thereof, but the same shall be and remain the property of this state.

Salt springs.

Lotteries.

SEC. XI. No lottery shall hereafter be authorized in this state; and the legislature shall pass laws to prevent the sale of all lottery tickets within this state, except in lotteries already provided for by law.

Sale of lands.

SEC. XII. No purchase or contract for the sale of lands in this state, made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which may hereafter be made, of or with the Indians in this state, shall be valid, unless made under the authority, and with the consent of the legislature.

Old colony laws.

SEC. XIII. Such parts of the common law, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the convention of the state of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed, or altered, and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or

parts thereof, as are repugnant to the constitution, are hereby abrogated.

Grants of land since 1775.

SEC. XIV. All grants of land within this state, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this constitution shall affect any grants of land within this state, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made before that day; or shall affect any such grants or charters since made by this state, or by persons acting under its authority; or shall impair the obligations of any debts contracted by the state, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings, in courts of justice.

Prior grants.

ARTICLE EIGHTH.

Amendments.

SEC. I. Any amendment or amendments to this constitution may be proposed in the senate or assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment, or amendments, shall be entered on the journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen; and shall be published, for three months previous to the time of making such choice; and if, in the legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment, or amendments, to the people, in such manner, and at such time, as the legislature shall prescribe; and if the people shall approve and ratify such amendment, or amendments, by a majority of the electors qualified to vote for members of the

legislature voting thereon, such amendment or amendments shall become part of the constitution.

ARTICLE NINTH.

Constitution goes into operation.

SEC. I. This constitution shall be in force from the last day of December, in the year one thousand eight hundred and twenty-two. But all those parts of the same which relate to the right of suffrage, the division of the state into senate districts, the number of members of the assembly to be elected in pursuance of this constitution, the apportionment of members of assembly, the election hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two, the continuance of the members of the present legislature in office until the first day of January, in the year one thousand eight hundred and twenty-three, and the prohibition against authorizing lotteries, the prohibition against appropriating the public moneys or property for local or private purposes, or creating, continuing, altering, or renewing any body politic, or corporate, without the assent of two-thirds of the members elected to each branch of the legislature, shall be in force and take effect from the last day of February next. The members of the present legislature shall, on the first Monday of March next, take and subscribe an oath or affirmation to support this constitution, so far as the same shall then be in force. Sheriffs, clerks of counties, and coroners, shall be elected at the election hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two; but they shall not enter on the duties of their offices before the first day of January then next following. The commissions of all persons holding civil offices on the last day of December, one thousand eight hundred and twenty-two, shall expire on that day; but the officers then in commission may respectively continue to hold

Commissions.

their said offices, until new appointments or elections shall take place under this constitution.

Election laws.

SEC. II. The existing laws, relative to the manner of notifying, holding, and conducting elections, making returns, and canvassing votes, shall be in force and observed, in respect of the elections hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two, so far as the same are applicable. And the present legislature shall pass such other and further laws, as may be requisite for the execution of the provisions of this constitution, in respect to elections.

Done in convention, at the capitol, in the city of Albany, the tenth day of November, in the year one thousand eight hundred and twenty-one, and of the independence of the United States of America the forty-sixth.

In witness whereof, we have hereunto subscribed our names.

DANIEL D. TOMPKINS, *President.*

JOHN F. BACON,
SAMUEL S. GARDINER, } *Secretaries.*

AMENDMENTS TO THE CONSTITUTION OF THE STATE OF NEW YORK.

[The following amendments to the Constitution were proposed by the legislature in 1825, were referred to the legislature of 1826, agreed to by two-thirds of the members elected to each house of that legislature, submitted to the people, and approved and ratified at an election held on the sixth, seventh and eighth days of November, 1826.]

AMENDMENT No. I.

Justices of the peace, how elected.

That the people of this state, in their several towns, shall at their annual election, and in such manner as the legislature shall direct, elect by ballot their justices of the peace; and the justices so elected in any town, shall immediately thereafter meet together, and in presence of the supervisor and town clerk of the said town be divided by lot into four classes, of one in each class, and be numbered, one, two, three and four; and the office of number one shall expire at the end of the first year, of number two at the end of the second year, of number three at the end of the third year, and of number four at the end of the fourth year, in order that one justice may thereafter be annually elected; and that so much of the seventh section of the fourth article of the constitution of this state as is inconsistent with this amendment, be abrogated.

AMENDMENT No. II.

That so much of the first section of the second article of the constitution as prescribes the qualifications of voters, other than persons of color, be, and the same is hereby abolished, and that the following be substituted in the place thereof:

Qualifications of electors.

Every male citizen of the age of twenty-one years, who shall have been an inhabitant of this state one year next preceding any election, and for the last six months a resident of the county where he may offer his vote, shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are or hereafter may be elective by the people.

[The following amendments were proposed in 1832, agreed to by two-thirds of the members elected to each house in 1833, submitted to the people, and approved and ratified at the election in November, 1833.]

AMENDMENT No. III.

Duties on salt may be reduced.

That the duties on the manufacture of salt, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen, and by the tenth section of the seventh article of the constitution of this state, may at any time hereafter be reduced by an act of the legislature of this state; but shall not, while the same is appropriated and pledged by the said section, be reduced below the sum of six cents upon each and every bushel; and the said duties shall remain inviolably appropriated and applied as is provided by the said tenth section.

And that so much of the said tenth section of the seventh article of the constitution of this state as is inconsistent with this amendment, be abrogated.

AMENDMENT No. IV.

Mayor of N. Y. to be chosen by the electors thereof.

At the end of the tenth section of the fourth article of the said constitution, add the following words:—"Except in the city of New York, in which city the

mayor shall be chosen annually by the electors thereof, qualified to vote for the other charter officers of the said city, and at the time of the election of such officers."

[The following amendment was proposed in 1834, agreed to by two-thirds of the members elected to each house in 1835, submitted to the people, and approved and ratified at the election held in November, 1835.]

AMENDMENT No. V.

Duties on salt and on goods sold at auction, when restored to general fund.

Whenever a sufficient amount of money shall be collected and safely invested for the reimbursement of such part as may then be unpaid of the money borrowed for the construction of the Erie and Champlain canals, the tenth section of the seventh article of the constitution of this state, as far as it relates to the amount of duties on the manufacture of salt, and the amount of duties on goods sold at auction, shall cease and determine; and thereafter the duties on goods sold at auction, excepting therefrom the sum of thirty-three thousand five hundred dollars otherwise appropriated by the act of the fifteenth of April, one thousand eight hundred and seventeen, and the duties on the manufacture of salt, shall be restored to the general fund.

[The following amendment was proposed in 1837, agreed to by two-thirds of the members elected to each house in the year 1838, submitted to the people, and approved and ratified at the election in 1839.]

AMENDMENT No. VI.

Mayors of cities may be elected by inhabitants.

Mayors of the several cities of this state may be elected annually by the male inhabitants entitled to vote for members of the common council of such cities respectively, in such manner as the legislature shall by law provide; and the legislature may, from time to time, make such provisions by law for the election of any one or more of such mayors; but until such

provisions shall be made by law, such mayors (excepting the mayor of the city of New York) shall be appointed in the manner now provided by the constitution of this state; and so much of the tenth section of article fourth of the constitution of this state, as is inconsistent with this amendment, is hereby abrogated.

[The following amendment was proposed in 1844, agreed to by two-thirds of the members elected to each house in 1845, submitted to the people, and approved and ratified at the election in 1845.]

AMENDMENT No. VII.

No judicial officer shall be removed by the joint resolution of the two houses of the legislature, or by the senate on the recommendation of the governor, unless the cause of such removal shall be entered on the journal of both houses, or of the senate, as the case may be; and such officer, against whom the legislature or the senate may be about to proceed, shall be served with notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either house shall act thereupon, and shall have an opportunity to be heard in his defence before any question shall be taken upon such removal; and the yeas and nays shall be entered upon the journals of the senate, or house, as the case may be.

[The following amendment was proposed in 1844, agreed to by two-thirds of the members elected to each house in 1845, submitted to the people, and approved and ratified at the election in 1845.]

AMENDMENT No. VIII.

No property qualification shall be required to render a person eligible to or capable of holding any office or public trust in this state.

CONSTITUTION OF THE UNITED STATES,

COPIED FROM, AND COMPARED WITH, THE ROLL IN THE DEPARTMENT OF STATE.

Preamble.

WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.

Of the Legislative Power.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

Of the House of Representatives.

SECTION 2. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and, until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Of the Senate.

SECTION 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and have a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of President of the United States.

The senate shall have the sole power to try all impeachments: When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Manner of electing Members.

SECTION 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

Congress to assemble annually.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Powers.

SECTION 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to

compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secresy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Compensation, &c., of Members.

SECTION 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Manner of Passing Bills, &c.

SECTION 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign

it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment), shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Power of Congress.

SECTION 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Limitation of the Powers of Congress.

SECTION 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Limitation of the Powers of the individual States.

SECTION 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net

produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships-of-war, in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Executive Power.

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:

Manner of Electing.

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[* The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant with the same state as themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose

* See Amendment, page 117.

by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.]

Time of choosing Electors.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Who Eligible.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

When the President's power devolves on the Vice-President.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

President's Compensation.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Oath.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States."

Powers and Duties.

SECTION 2. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Officers Removed.

SECTION 4. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Of the Judiciary.

SECTION 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states;—between a state and citizens of another state;—between citizens of different states;—between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

Jurisdiction of Supreme Court.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Of Trials for Crimes.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the

said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Of Treason.

SECTION 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

State Acts.

SECTION 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Privileges of Citizens.

SECTION 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Runaways to be delivered up.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

New States.

SECTION 3. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

Territorial and other Property.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION 4. The United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

Amendments.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

Debts.

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

Supreme law of the Land.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

Oath.—No religious Test.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON,
President, and deputy from Virginia.

NEW HAMPSHIRE.
JOHN LANGDON,
NICHOLAS GILMAN.

MASSACHUSETTS.
NATHANIEL GORHAM,
RUFUS KING.

CONNECTICUT.
WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.

NEW YORK.
ALEXANDER HAMILTON.

NEW JERSEY.
WILLIAM LIVINGSTON,
DAVID BREARLEY,
WILLIAM PATERSON,
JONATHAN DAYTON.

PENNSYLVANIA.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,

JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

DELAWARE.

GEORGE READ,
GUNNING BEDFORD, JR.,
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

MARYLAND.

JAMES M'HENRY,
DANIEL OF ST. THO. JENIFER,
DANIEL CARROLL.

VIRGINIA.

JOHN BLAIR,
JAMES MADISON, JR.

NORTH CAROLINA.

WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSON.

SOUTH CAROLINA.

JOHN RUTLEDGE,
CHARLES C. PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

GEORGIA.

WILLIAM FEW,
ABRAHAM BALDWIN.

Attest : WILLIAM JACKSON, *Secretary.*

AMENDMENTS

TO THE CONSTITUTION OF THE UNITED STATES, RATIFIED ACCORDING TO THE PROVISIONS OF THE FIFTH ARTICLE OF THE FOREGOING CONSTITUTION.

Free Exercise of Religion, &c.

ARTICLE THE FIRST. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Right to bear Arms.

ARTICLE THE SECOND. A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

No Soldier to be Billeted, &c.

ARTICLE THE THIRD. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in a time of war, but in a manner to be prescribed by law.

Unreasonable Searches Prohibited.

ARTICLE THE FOURTH. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Criminal Proceedings.

ARTICLE THE FIFTH. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or

naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Mode of Trial.

ARTICLE THE SIXTH. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Right of Trial by Jury.

ARTICLE THE SEVENTH. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Bail, Fines.

ARTICLE THE EIGHTH. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Rights not Enumerated.

ARTICLE THE NINTH. The enumeration, in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Powers Reserved.

ARTICLE THE TENTH. The powers not delegated to the United States, by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

[The following amendment was proposed at the second session of the third Congress. It is printed in the Laws of the United States, 1st vol., p. 73, as article 11.]

Limitation of Judicial Power.

ARTICLE THE ELEVENTH. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

[The three following sections were proposed as amendments at the first session of the eighth Congress. They are printed in the Laws of the United States as article 12.]

Election of President.

ARTICLE THE TWELFTH. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate;—the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for president, shall be the president, if such a number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March

next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

NOTE.—Another amendment was proposed as article xiii., at the second session of the eleventh Congress, but not having been ratified by a sufficient number of states, has not yet become valid as a part of the constitution of the United States. It is erroneously given as a part of the constitution, in page 74, vol. i., Laws of the United States.

A CONSTITUTION

AGREED UPON BY THE DELEGATES OF THE PEOPLE OF

NEW JERSEY,

IN CONVENTION, BEGUN AT TRENTON ON THE FOURTEENTH DAY OF MAY, AND CONTINUED TO THE TWENTY-NINTH DAY OF JUNE, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-FOUR.

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which he hath so long permitted us to enjoy, and looking to him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution.

ARTICLE I.

RIGHTS AND PRIVILEGES.

I. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

II. All political power is inherent in the people.

Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

III. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeably to the dictates of his own conscience: nor under any pretence whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or

other rates, for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

IV. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a qualification for any office of public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

V. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

VI. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

VII. The right of trial by jury shall remain inviolate: but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

VIII. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

IX. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

X. No person shall, after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or presumption great.

XI. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

XII. The military shall be in strict subordination to the civil power.

XIII. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

XIV. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

XV. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

XVI. Private property shall not be taken for public use without just compensation, but land may be taken for public highways as heretofore, until the legislature shall direct compensation to be made.

XVII. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

XVIII. The people have a right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

XIX. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

I. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one

year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be, elective by the people; *provided*, that no person in the military, navy, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within the state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness, unless pardoned and restored by law to the right of suffrage, shall enjoy the right of an elector.

II. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections.

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

1. One of the powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

ARTICLE IV.—SECTION I.

LEGISLATIVE.

1. The legislative power of this state shall be vested in a Senate and General Assembly.

2. No person shall be a member of the senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the general assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he shall be chosen one year next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

3. Members of the senate and general assembly shall be elected yearly and every year, on the second Tuesday of October; and the two houses shall meet separately on the second Tuesday in January next after the said day of election: at which time of meeting the legislative year shall commence, but the time of holding such election may be altered by the legislature.

SECTION II.

1. The senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties respectively, for three years.

2. As soon as the senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one class may be elected every year: and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

SECTION III.

1. The general assembly shall be composed of members annually elected by the legal voters of the counties respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the general assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; provided, that each county shall at all times be entitled to one member: and the whole number of members shall never exceed sixty.

SECTION IV.

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation or otherwise; but if no vacancies occur during the recess of the legislature, the writs may

be issued by the governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present, and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the senate and general assembly shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session; and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the session. When convened in extra session by the governor, they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The president of the senate and the speaker of the house of assembly shall, in virtue of their offices, receive an

additional compensation, equal to one-third of their per diem as members.

8. Members of the senate and general assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

SECTION V.

1. No member of the senate or general assembly shall, during the time for which he was elected, be nominated or appointed by the governor or by the legislature in joint meeting, to any civil office under the authority in this state, which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the senate or general assembly shall be elected to represent this state in the senate or house of representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature shall thereby be vacated.

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, or any other person or persons possessed of any office of profit under the government of this state shall be entitled to a seat either in the senate or in the general assembly; but on being elected and taking his seat, his office shall be considered vacant: and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

SECTION VI.

1. All bills for raising revenue shall originate in the house of assembly; but the senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury but for appropriations made by law.

3. The credit of the state shall not be directly or indirectly loaned in any case.

4. The legislature shall not, in any manner, create any debt or

debts, liability or liabilities of the state, which shall, singly, or in the aggregate with any previous debts or liabilities, at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrepealable until such debt or liability, and the interest thereon, are fully paid and discharged; and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election; and all money to be raised by the authority of such laws shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been or may be deposited with this state by the government of the United States.

SECTION VII.

1. No divorce shall be granted by the legislature.

2. No lottery shall be authorized by this state; and no ticket in any lottery not authorized by a law of this state shall be bought or sold within this state.

3. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

5. The laws of this state shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey."

6. The fund for the support of free schools, and all money, stock, and other property, which may hereafter be appropriated

for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the equal benefit of all the people of the state; and it shall not be competent for the legislature to borrow, appropriate, or use the said fund, or any part thereof, for any other purpose, under any pretence whatever.

7. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors, or other persons who may at the time be under any legal disability to act for themselves.

8. The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending, or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years.

9. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

10. The legislature may vest in the circuit court or courts of common pleas within the several counties of this state, chancery powers, so far as relates to the foreclosure of mortgages, or the sale of mortgaged premises.

SECTION VIII.

1. Members of the legislature shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation;

"I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the state of New Jersey, and that I will faithfully discharge the duties of senator (or member of the general assembly, as the case may be) according to the best of my ability."

And members elect of the senate or general assembly are hereby empowered to administer to each other the said oath or affirmation.

ARTICLE V.

EXECUTIVE.

I. The executive power shall be vested in a Governor.

II. The governor shall be elected by the legal voters of this state. The person having the highest number of votes shall be the governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the votes of a majority of the members of both houses in joint meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election shall be held at the time when and at the places where the people shall respectively vote for members of the legislature.

III. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter; and he shall be incapable of holding that office for three years next after his term of service shall have expired; and no appointments or nominations to office shall be made by the governor during the last week of his said term.

IV. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States, or of this state.

V. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

VI. He shall be the commander-in-chief of all the military and naval forces of the state; he shall have power to convene the legislature whenever in his opinion public necessity requires it; he shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the state, and recommend such measures as he may deem expedient; he shall take care that the

laws be faithfully executed, and grant, under the great seal of the state, commissions to all such officers as shall be required to be commissioned.

VII. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall become a law; but in neither house shall the vote be taken on the same day on which the bill shall be returned to it; and in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

VIII. No member of Congress, or person holding an office under the United States, or this state, shall exercise the office of governor; and in case the governor, or person administering the government, shall accept any office under the government of the United States, or of this state, his office of governor shall thereupon be vacant.

IX. The governor, or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after convicting; but this power shall not extend to cases of impeachment.

X. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines

and forfeitures and grant pardons, after conviction, in all cases except impeachment.

XI. The governor and all other civil officers under this state shall be liable to impeachment for misdemeanor in office during their continuance in office, and for two years thereafter.

XII. In case of the death, resignation, or removal from office of the governor, the powers, duties and emoluments of the office shall devolve upon the president of the senate, and in case of his death, resignation, or removal, then upon the speaker of the house of assembly, for the time being, until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the state legislature, unless such death, resignation, or removal shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the legislature. When a vacancy happens, during the recess of the legislature, in any office which is to be filled by the governor and senate, or by the legislature in joint meeting, the governor shall fill such vacancy, and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed: when a vacancy happens in the office of clerk or surrogate of any county, the governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified.

XIII. In case of the impeachment of the governor, his absence from the state, or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve upon the president of the senate; and in case of his death, resignation, or removal, then upon the speaker of the house of assembly, for the time being, until the governor absent or impeached, shall return or be acquitted, or until the qualification or inability shall cease, or until a new governor be elected and qualified.

XIV. In case of a vacancy in the office of governor from any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified into office, the powers, duties, and emoluments of the office shall devolve upon the president of the senate, or speaker of the house of assembly,

as above provided for, until a new governor be elected and qualified.

ARTICLE VI.—Section I.

JUDICIARY.

I. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes, as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

SECTION II.

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a *per diem* compensation to be provided by law.

4. The secretary of state shall be clerk of this court.

5. When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause, in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

SECTION III.

1. The house of assembly shall have the sole power of impeaching, by a vote of a majority of all the members; and all

impeachments shall be tried by the senate; the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence;" and no person shall be convicted without the concurrence of two-thirds of all the members of the senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in case of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honor, profit, or trust under this state; but the party convicted shall nevertheless be liable to indictment, trial, and punishment, according to law.

4. The secretary of state shall be clerk of this court.

SECTION IV.

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary, or surrogate general, and the judge of the prerogative court.

3. All persons aggrieved by any order, sentence, or decree of the orphans' court, may appeal from the same, or from any part thereof, to the prerogative court; but such order, sentence, or decree, shall not be removed into the supreme court, or circuit court, if the subject matter thereof be within the jurisdiction of the orphans' court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

SECTION V.

1. The supreme court shall consist of a chief justice and four associate justices; the number of the associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit court shall be held in every county of this state, by one or more of the justices of the supreme court, or a judge, appointed for that purpose; and shall in all cases within the county, except in those of a criminal nature, have common law jurisdiction concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme

court, and shall operate as a judgment obtained in the supreme court, from the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

SECTION VI.

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state, after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies, which shall be for the unexpired term only.

2. The commissions for the first appointment of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies, which shall bear date and take effect when issued.

SECTION VII.

1. There may be elected under this constitution two, and not more than five justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards.

2. When a township or ward contains two thousand inhabitants or less, it may have two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices; *provided*, that whenever any township not voting in wards, contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

3. The population of the townships in the several counties of the state and of the several wards, shall be ascertained by the last preceding census of the United States, until the legislature shall provide by law, some other mode of ascertaining it.

ARTICLE VII.—Section I.

Appointing power and tenure of Office.

MILITIA OFFICERS.

1. The legislature shall provide by law for enrolling, organizing, and arming the militia.

2. Captains, subalterns, and non-commissioned officers shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battalions and squadrons, shall be elected by the commissioned officers of their respective regiments, battalions, or squadrons.

4. Brigadier generals shall be elected by the field officers of their respective brigades.

5. Major generals shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions and determine their rank, when not determined by law;—and no commissioned officer shall be removed from office but by the sentence of a court martial, pursuant to law.

7. In case the electors of subalterns, captains, or field officers, shall refuse or neglect to make such elections, the governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers of their respective brigades.

9. The governor shall appoint the adjutant general, quartermaster general, and all other militia officers whose appointment is not otherwise provided for in this constitution.

10. Major generals, brigadier generals, and commanding officers of regiments, independent battalions, and squadrons, shall appoint the staff officers of their divisions, brigades, regiments, independent battalions, and squadrons, respectively.

SECTION II.

CIVIL OFFICERS.

1. Justices of the supreme court, chancellor, and judges of the court of errors and appeals, shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

The justices of the supreme court, and chancellor, shall hold their offices for the term of seven years; shall, at stated times, receive for their services a compensation which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this state or the United States.

2. Judges of the court of common pleas shall be appointed by the senate and general assembly, in joint meeting.

They shall hold their offices for five years :—but when appointed to fill vacancies, they shall hold for the unexpired term only.

3. The state treasurer and the keeper and inspectors of the state prison, shall be appointed by the senate and general assembly, in joint meeting.

They shall hold their offices for one year, and until their successors shall be qualified into office.

4. The attorney general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery, and secretary of state, shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

They shall hold their offices for five years.

5. The law reporter shall be appointed by the justices of the supreme court, or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual election for members of the general assembly.

They shall be commissioned by the governor, and hold their offices for five years.

7. Sheriffs and coroners shall be elected annually by the people of their respective counties, at the annual elections for members of the general assembly.

They may be re-elected until they shall have served three years, but no longer; after which, three years must elapse before they can be again capable of serving.

8. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards, in such manner, and under such regulations, as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years;—except when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor, and appointed by him, with the advice and consent of the senate; and they shall hold their offices for the time prescribed by law.

10. All civil officers nominated by the governor, and appointed by him, with the advice and consent of the senate, shall be commissioned by the governor.

11. The term of office of all officers elected or appointed pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

ARTICLE VIII.

GENERAL PROVISIONS.

1. The secretary of state shall be ex-officio an auditor of the accounts of the treasurer, and, as such, it shall be his duty to assist

the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the state shall be kept by the governor or person administering the government, and used by him officially, and shall be called the great seal of the state of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the state of New Jersey, sealed with the great seal, signed by the governor or person administering the government, and countersigned by the secretary of state, and shall run thus: "The state of New Jersey to ————————, greeting." All writs shall be in the name of the state; and all indictments shall conclude in the following manner, viz: "against the peace of this state, the government and dignity of the same."

4. This constitution shall take effect and go into operation on the second day of September, in the year of our Lord one thousand eight hundred and forty-four.

ARTICLE IX.

AMENDMENTS.

Any specific amendment or amendments to the constitution may be proposed in the senate or general assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published, for three months previous to making such choice, in at least one newspaper of each county, if any be published therein; and if in the legislature next chosen, as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit to such proposed amendment or amendments; or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time, at least four months after the adjournment of the legislature, as the legislature shall prescribe; and if the people, at a special election to be held for that purpose only, shall approve and ratify such amendment

or amendments, or any of them, by a majority of the electors qualified to vote for members of the legislature voting theron, such amendment or amendments, so approved and ratified, shall become part of the constitution ; *provided*, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly ; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

ARTICLE X.

SCHEDULE.

That no inconvenience may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

I. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature ; and all writs, actions, causes of such action, prosecutions, contracts, claims, and rights of individuals, and of bodies corporate, and of the state, and all charters of incorporation, shall continue, and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

II. All officers now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless, by this constitution, it is otherwise directed.

III. The present governor, chancellor, and ordinary or surrogate-general, and treasurer of this state, shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

IV. In case of the death, resignation, or disability of the

present governor, the person who may be vice-president of the council at the time of the adoption of this constitution shall continue in office, and administer the government, until a governor shall have been elected and sworn or affirmed into office under this constitution.

V. The present governor, or in case of his death or disability to act, the vice-president of council, together with the present members of the legislative council and secretary of state, shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the house of representatives, and electors of the president and vice-president.

VI. The returns of the votes for governor, at the said next ensuing election, shall be transmitted to the secretary of state; the votes counted, and the election declared, in the manner now provided by law in the case of the election of electors of president and vice-president.

VII. The election of clerks and surrogates, in those counties where the term of office of the present incumbent shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

VIII. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

IX. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the senate, and not otherwise provided for, and the commissions shall expire at the end of the first session of the senate, or when a successor shall be elected or appointed and qualified.

X. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

XI. Clerks of counties shall be clerks of the inferior courts of

common pleas and quarter sessions of the several counties, and perform the duties and be subject to the regulations now required of them by law, until otherwise ordained by the legislature.

XII. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Done in convention, at the State House in Trenton, on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, and of the Independence of the United States of America the sixty-eighth.

ALEXANDER WURTS,
President of the Convention.

WILLIAM PATERSON, Secretary.
TH. J. SAUNDERS, Assistant Secretary.

Now, therefore, I, DANIEL HAINES, Governor of the State of New Jersey, have caused, and by these presents do cause the said Constitution to be published pursuant to the direction of the said act.

Given under my hand and privy seal, at the city of Trenton, this twenty-ninth day of June, in the year of our Lord [L. S.] one thousand eight hundred and forty-four.

DANIEL HAINES.

CONSTITUTION OF THE STATE OF LOUISIANA.

PREAMBLE.

We the people of the state of Louisiana do ordain and establish this Constitution.

TITLE I.

DISTRIBUTION OF POWERS.

Art. 1. The powers of the government of the state of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative to one; those which are executive to another; and those which are judicial to another.

Art. 2. No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

TITLE II.

LEGISLATIVE DEPARTMENT.

Art. 3. The legislative powers of the state shall be vested in two distinct branches, the one to be styled the "House of Representatives," the other "the Senate," and both "the General Assembly of the State of Louisiana."

Art. 4. The members of the house of representatives shall continue in service for the term of two years from the day of the closing of the general elections.

Art. 5. Representatives shall be chosen on the first Monday in November, every two years; and the election shall be completed in one day. The general assembly shall meet every second year, on the third Monday in January next ensuing the elec-

tion, unless a different day be appointed by law, and their session shall be held at the seat of government.

ART. 6. No person shall be a representative, who, at the time of his election, is not a free white male, and has not been for three years a citizen of the United States, and has not attained the age of twenty-one years, and resided in the state for the three years next preceding the election, and the last year thereof in the parish for which he may be chosen.

ART. 7. Elections for representatives for the several parishes or representative districts shall be held at the several election precincts established by law. The legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

ART. 8. Representation in the house of representatives shall be equal and uniform, and shall be regulated and ascertained by the number of qualified electors. Each parish shall have at least one representative; no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

The first enumeration to be made by the state authorities under this constitution, shall be made in the year 1847, the second in the year 1855; and the subsequent enumerations shall be made every tenth year thereafter, in such manner as shall be prescribed by law for the purpose of ascertaining the total population and the number of qualified electors in each parish and election district.

At the first regular session of the legislature after the making of each enumeration, the legislature shall apportion the representation amongst the several parishes and election districts on the basis of qualified electors as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many representatives as the aggregate number of its electors will entitle it to, and an additional representative for any fraction exceeding one-half the representative number. The number of

representatives shall not be more than one hundred nor less than seventy.

The part of the parish of Orleans situated on the left bank of the Mississippi, shall be divided into nine representative districts, as follows, viz:

1st. First district to extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d. Second district to extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans canal, thence down said canal to the lake.

3d. Third district to comprise the residue of the Second Municipality.

4th. Fourth district to extend from the middle of Canal street to the middle of St. Louis street, until it reaches the Metairie road, thence along said road to the New Orleans Canal.

5th. Fifth district to extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the Bayou St. John, thence along the middle of said Bayou until it intersects the Metairie road, thence along said road until it reaches St. Louis street.

6th. Sixth district to be composed of the residue of the first municipality.

7th. Seventh district, from the middle of Esplanade street to the middle of Champs Elysées street.

8th. Eighth district, from the middle of Champs Elysées street to the middle of Enghein street and Lafayette avenue.

9th. Ninth district, from the middle of Enghein street and Lafayette avenue to the lower limits of the parish.

ART. 9. The house of representatives shall choose its speaker and other officers.

ART. 10. In all elections by the people, every free white male, who has been two years a citizen of the United States, who has attained the age of twenty-one years, and resided in the state two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting: *Provided*, that no person shall be deprived of the right of voting who at the time of the adoption of this constitution was entitled to that right under the constitution of 1812. Electors

shall in all cases except treason, felony, breach of surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

ART. 11. Absence from the state for more than ninety consecutive days, shall interrupt the acquisition of the residence required in the preceding section, unless the person absenting himself shall be a house-keeper, or shall occupy a tenement for carrying on business, and his dwelling-house or tenements for carrying on business shall be actually occupied during his absence, by his family or servants, or some portion thereof, or by some one employed by him.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this state.

ART. 13. No person shall be entitled to vote at any election held in this state, except in the parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 14. The members of the senate shall be chosen for the term of four years. The senate, when assembled, shall have the power to choose its officers every two years.

ART. 15. The legislature, in every year in which they shall apportion representation in the house of representatives, shall divide the state into senatorial districts. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted. And whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory was taken, or to another contiguous district, at the discretion of the legislature; but shall not be attached to more than one district. The number of senators shall be thirty-two, and they shall be apportioned among the senatorial districts according to the total population contained in the several districts: *Provided*, that no parish shall be entitled to more than one-eighth of the whole number of senators.

ART. 16. In all apportionments of the senate, the population of the city of New Orleans shall be deducted from the population of the whole state, and the remainder of the population

divided by the number twenty-eight, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a senator; and if, in the apportionment to be made, a parish or district fall short of or exceed the ratio, one-fifth, then a district may be formed having not more than two senators, but not otherwise.

No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment.

After an enumeration has been made as directed in the eighth article, the legislature shall not pass any law until an apportionment of representation in both houses of the general assembly be made.

ART. 17. At the first session of the general assembly, after this constitution takes effect, the senators shall be equally divided by lot into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; so that one half shall be chosen every two years, and a rotation thereby kept up perpetually. In case any district shall have elected two or more senators, said senators shall vacate their seats respectively at the end of two and four years, and lots shall be drawn between them.

ART. 18. No person shall be a senator who at the time of his election, has not been a citizen of the United States ten years, and who has not attained the age of twenty-seven years, and resided in the state four years next preceding his election, and the last year thereof in the district in which he may be chosen.

ART. 19. The first election for senators shall be general throughout the state, and at the same time that the general election for representatives is held; and thereafter there shall be biennial elections to fill the place of those whose time of service may have expired.

ART. 20. Not less than a majority of the members of each house of the general assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and

shall be authorized by law to compel the attendance of absent members.

ART. 21. Each house of the general assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

ART. 22. Each house of the general assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

ART. 23. Each house of the general assembly shall keep and publish a weekly journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

ART. 24. Each house may punish, by imprisonment, any person not a member, for disrespectful and disorderly behavior in its presence, or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence.

ART. 25. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

ART. 26. The members of the general assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alteration shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first legislature which is to convene after the adoption of this Constitution.

ART. 27. The members of the general assembly shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same,

and for any speech or debate in either house, they shall not be questioned in any other place.

ART. 28. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

ART. 29. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society or sect, shall be eligible to the general assembly.

ART. 30. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the general assembly, or to any office of profit or trust under the state government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

ART. 31. No bill shall have the force of a law until, on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon; unless in case of urgency, four-fifths of the house where the bill shall be pending, may deem it expedient to dispense with this rule.

ART. 32. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments, as in other bills; provided they shall not introduce any new matter under color of an amendment, which does not relate to raising revenue.

ART. 33. The general assembly shall regulate by law by whom, and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ART. 34. A majority of all the members elected to the senate shall be required for the confirmation or rejection of officers to be appointed by the governor, with the advice and consent of the senate; and the senate, in deciding thereon, shall vote by yeas and nays, and the names of the senators voting for and against the appointments respectively, shall be entered on a journal to be

kept for that purpose, and made public at the end of each session, or before.

ART. 35. Returns of all elections for members of the general assembly shall be made to the secretary of state.

ART. 36. A treasurer of the state shall be elected biennially, by joint ballot of the two houses of the general assembly. The governor shall have power to fill any vacancy that may happen in that office during the recess of the legislature.

ART. 37. In the year in which a regular election for a senator of the United States is to take place, the members of the general assembly shall meet in the hall of the house of representatives, on the Monday following the meeting of the legislature, and proceed to the said election.

TITLE III.

EXECUTIVE DEPARTMENT.

ART. 38. The supreme executive power of the state shall be vested in a chief magistrate, who shall be styled the governor of the state of Louisiana. He shall hold his office during the term of four years; and together with the lieutenant-governor chosen for the same term, be elected as follows:—The qualified electors for representatives shall vote for a governor and lieutenant-governor, at the time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the secretary of state, who shall deliver them to the speaker of the house of representatives, on the second day of the session of the general assembly, then next to be holden. The members of the general assembly shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes for governor shall be declared duly elected, but if two or more persons shall be equal and highest in the number of votes polled for governor, one of them shall immediately be chosen governor, by joint vote of the members of the general assembly. The person having the greatest number of votes for lieutenant-governor shall be lieutenant-governor; but if two or more persons shall be equal and highest in the number of votes polled for lieutenant-governor, one

of them shall be immediately chosen lieutenant-governor by joint vote of the members of the general assembly.

ART. 39. No person shall be eligible to the office of governor or lieutenant-governor, who shall not have attained the age of thirty-five years, been fifteen years a citizen of the United States, and a resident within the state for the same space of time next preceding his election.

ART. 40. The governor shall enter on the discharge of his duties on the fourth Monday of January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation prescribed by this constitution.

ART. 41. The governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

ART. 42. No member of congress or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor or lieutenant-governor.

ART. 43. In case of the impeachment of the governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the state, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the governor, absent or impeached, shall return or be acquitted. The legislature may provide by law for the case of removal, impeachment, death, resignation, disability, or refusal to qualify, of both the governor and lieutenant-governor, declaring what officer shall act as governor; and such officer shall act accordingly, until the disability be removed, or for the residue of the term.

ART. 44. The lieutenant-governor, or other officer discharging the duties of governor, shall, during his administration, receive the same compensation to which the governor would have been entitled, had he continued in office.

ART. 45. The lieutenant-governor shall, by virtue of his office, be president of the senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as president of the senate, the senators shall

elect one of their own members as president of the senate for the time being.

ART. 46. While he acts as president of the senate, the lieutenant-governor shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more.

ART. 47. The governor shall have power to grant reprieves for all offences against the state, and except in cases of impeachment, shall, with the consent of the senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves, until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

ART. 48. The governor shall at stated times receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

ART. 49. He shall be commander-in-chief of the army and navy of this state and of the militia thereof, except when they shall be called into the service of the United States.

ART. 50. He shall nominate, and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, and whose appointment is not therein otherwise provided for: *Provided*, however, that the legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

ART. 51. The governor shall have power to fill vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this constitution; but no person who has been nominated for office, and rejected by the senate, shall be appointed to the same office during the recess of the senate.

ART. 52. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

ART. 53. He shall, from time to time, give to the general assembly information respecting the situation of the state, and recommend to their consideration such measures as he may deem expedient.

ART. 54. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 55. He shall take care that the laws be faithfully executed.

ART. 56. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it: if after such reconsideration two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly, by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

ART. 57. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of the members elected to each house of the general assembly.

ART. 58. There shall be a secretary of state, who shall hold his office during the time for which the governor shall have been elected. The records of the state shall be kept and preserved in the office of the secretary; he shall keep a fair register of the official acts and proceedings of the governor, and when necessary shall attest them. He shall, when required, lay the said register,

and all papers, minutes and vouchers relative to his office, before either house of the general assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 59. All commissions shall be in the name and by the authority of the state of Louisiana, and shall be sealed with the state seal and signed by the governor.

ART. 60. The free white men of the state shall be armed and disciplined for its defence: but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services.

ART. 61. The militia of the state shall be organized in such manner as may be hereafter deemed most expedient by the legislature.

TITLE IV.

JUDICIARY DEPARTMENT.

ART. 62. The judicial power shall be vested in a supreme court, in district courts, and in justices of the peace.

ART. 63. The supreme court, except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars, and to all cases in which the constitutionality or legality of any tax, toll or impost, of any kind or nature soever, shall be in contestation, whatever may be the amount thereof; and likewise to all fines, forfeitures, and penalties imposed by municipal corporations, and in criminal cases on questions of law alone, whenever the punishment of death or hard labor may be inflicted, or when a fine exceeding three hundred dollars is actually imposed.

ART. 64. The supreme court shall be composed of one chief justice, and of three associate justices, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars, and each of the associate judges a salary of five thousand five hundred dollars annually. The court shall appoint its own clerks. The judges shall be appointed for the term of eight years.

ART. 65. When the first appointments are made under this

constitution, the chief justice shall be appointed for eight years, one of the associate judges for six years, one for four years, and one for two years; and in the event of the death, resignation or removal of any of said judges before the expiration of the period for which he was appointed, his successor shall be appointed only for the remainder of his term; so that the term of service of no two of said judges shall expire at the same time.

ART. 66. The supreme court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June, inclusive. The legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 67. The supreme court, and each of the judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process, in all cases in which they may have appellate jurisdiction.

ART. 68. In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinions in writing.

ART. 69. All judges, by virtue of their office, shall be conservators of the peace throughout the state. The style of all processes shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the state of Louisiana, and conclude against the peace and dignity of the same.

ART. 70. The judges of all the courts within this state shall, as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

ART. 71. No court or judge shall make any allowance by way of fee or compensation in any suit or proceedings, except for the payment of such fees to ministerial officers as may be established by law.

ART. 72. No duties or functions shall ever be attached by law to the supreme or district courts, or to the several judges thereof, but such as are judicial; and the said judges are prohibited from

receiving any fees of office or other compensation than their salaries for any civil duties performed by them.

ART. 73. The judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three-fourths of the members present of each house of the general assembly. In every such case the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each house.

ART. 74. There shall be an attorney general for the state, and as many district attorneys as may be hereafter found necessary. They shall hold their offices for two years; their duties shall be determined by law.

ART. 75. The first legislature assembled under this constitution shall divide the state into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter.

The number of districts shall not be less than twelve, nor more than twenty.

For each district one judge, learned in the law, shall be appointed, except in the districts in which the cities of New Orleans and Lafayette are situated, in which the legislature may establish as many district courts as the public interest may require.

ART. 76. Each of the said judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than two thousand five hundred dollars annually. He must be a citizen of the United States, over the age of thirty years, and have resided in the state for six years next preceding his appointment, and have practised law therein for the space of five years.

ART. 77. The judges of the district courts shall hold their offices for the term of six years. The judges first appointed shall be divided by lot into three classes, as nearly equal as can be, and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years.

ART. 78. The district courts shall have original jurisdiction in

all civil cases, when the amount in dispute exceeds fifty dollars, exclusive of interest. In all criminal cases, and in all matters connected with successions, their jurisdiction shall be unlimited.

ART. 79. The legislature shall have power to vest in clerks of courts authority to grant such orders, and to do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specified and determined.

ART. 80. The clerks of the several courts shall be removable for breach of good behavior by the judges thereof; subject in all cases to an appeal to the supreme court.

ART. 81. The jurisdiction of justices of the peace shall never exceed, in civil cases, the sum of one hundred dollars, exclusive of interest, subject to appeal to the district court in such cases as shall be provided for by law. They shall be elected by the qualified voters of each parish for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

ART. 82. Clerks of the district courts in this state shall be elected by the qualified electors in each parish, for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

ART. 83. A sheriff and a coroner shall be elected in each parish, by the qualified voters thereof, who shall hold their offices for the term of two years, unless sooner removed.

Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

TITLE V.

IMPEACHMENT.

ART. 84. The power of impeachment shall be vested in the house of representatives.

ART. 85. Impeachments of the governor, lieutenant-governor, attorney-general, secretary of state, state treasurer, and of

the judges of the district courts, shall be tried by the senate: the chief justice of the supreme court, or the senior judge thereof, shall preside during the trial of such impeachment. Impeachments of the judges of the supreme court shall be tried by the senate. When sitting as a court of impeachment, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present.

ART. 86. Judgments in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under this state; but the parties convicted shall, nevertheless, be subject to indictment, trial, and punishment according to law.

ART. 87. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of such impeachment; the appointing power may make a provisional appointment to replace any suspended officer until the decision on the impeachment.

ART. 88. The legislature shall provide by law for the trial, punishment, and removal from office of all other officers of the state, by indictment or otherwise.

TABLE VI.

GENERAL PROVISIONS.

ART. 89. Members of the general assembly, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation:

"I (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States, and of this state; and I do further solemnly swear (or affirm) that, since the adoption of the present constitution, I, being a citizen of this state, have not fought a duel with deadly weapons within this state, nor out of it, with a citizen of this state, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this state, nor have I acted as second in

carrying a challenge, or aided, advised, or assisted any person thus offending, so help me God."

ART. 90. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

ART. 91. Every person shall be disqualified from holding any office of trust or profit in this state, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

ART. 92. Laws shall be made to exclude from office, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practice.

ART. 93. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years A regular statement and account of the receipts and expenditures of all public moneys shall be published annually, in such manner as shall be prescribed by law.

ART. 94. It shall be the duty of the general assembly to pass such laws as may be proper and necessary to decide differences by arbitration.

ART. 95. All civil officers for the state at large shall reside within the state, and all district or parish officers within their districts or parishes, and shall keep their offices at such places therein as may be required by law. And no person shall be elected or appointed to any parish office who shall not have resided in such parish long enough before such election or appointment to have acquired the right of voting in such parish; and no person shall be elected or appointed to any district office, who shall not have resided in such district, or an adjoining district, long enough before such appointment or election, to have acquired the right of voting for the same.

ART. 96. The duration of all offices not fixed by this constitution shall never exceed four years.

ART. 97. All civil officers, except the governor and judges of the supreme and district courts, shall be removable by an address of a majority of the members of both Houses, except those the removal of whom has been otherwise provided for by this constitution.

ART. 98. Absence on the business of this state or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this constitution.

ART. 99. It shall be the duty of the legislature to provide by law for deductions from the salaries of public officers who may be guilty of a neglect of duty.

ART. 100. The legislature shall point out the manner in which a person coming into the state shall declare his residence.

ART. 101. In all elections by the people the vote shall be by ballot, and in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *vivâ voce*.

ART. 102. No member of Congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly, or hold or exercise any office of trust or profit under the state.

ART. 103. The laws, public records, and the judicial and legislative written proceedings of the state shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

ART. 104. The secretary of the senate, and clerk of the house of representatives, shall be conversant with the French and English languages, and members may address either House in the French or English language.

ART. 105. The general assembly shall direct by law how persons who are now, or may hereafter become sureties for public officers, may be discharged from such suretyship.

ART. 106. No power of suspending the laws of this state shall be exercised, unless by the legislature or by its authority.

ART. 107. Prosecutions shall be by indictment, or information. The accused shall have a speedy public trial by an impartial jury of the vicinage: he shall not be compelled to give evidence against himself: he shall have the right of being heard by himself or counsel: he shall have the right, unless he shall have fled from justice, of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

ART. 108. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

ART. 109. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

ART. 110. The press shall be free. Every citizen may freely speak, write and publish his sentiments on all subjects; being responsible for an abuse of this liberty.

ART. 111. Emigration from the state shall not be prohibited.

ART. 112. The general assembly which shall meet after the first election of representatives under this constitution, shall, within the first month after the commencement of the session, designate and fix the seat of government at some place not less than sixty miles from the city of New Orleans, by the nearest travelling route, and if on the Mississippi river, by the meanders of the same; and when so fixed, it shall not be removed without the consent of four-fifths of the members of both houses of the general assembly. The sessions shall be held in New Orleans until the end of the year 1848.

ART. 113. The legislature shall not pledge the faith of the state for the payment of any bonds, bills, or other contracts or obligations for the benefit or use of any person or persons, corporation, or body politic whatever. But the state shall have the right to issue new bonds in payment of its outstanding obligations or liabilities, whether due or not: the said new bonds, however, are not to be issued for a larger amount, or at a higher rate of

interest, than the original obligations they are intended to replace.

ART. 114. The aggregate amount of debts hereafter contracted by the legislature, shall never exceed the sum of one hundred thousand dollars, except in the case of war, to repel invasions or suppress insurrections, unless the same be authorized by some law, for some single object or work, to be distinctly specified therein; which law shall provide ways and means, by taxation, for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity of the capital borrowed; and said law shall be irrepealable until principal and interest are fully paid and discharged, and shall not be put into execution until after its enactment by the first legislature returned by a general election after its passage.

ART. 115. The legislature shall provide by law for a change of venue in civil and criminal cases.

ART. 116. No lottery shall be authorized by this state, and the buying or selling of lottery tickets within the state is prohibited.

ART. 117. No divorce shall be granted by the legislature.

ART. 118. Every law enacted by the legislature shall embrace but one object, and that shall be expressed in the title.

ART. 119. No law shall be revised or amended by reference to its title; but in such case, the act revised, or section amended, shall be re-enacted and published at length.

ART. 120. The legislature shall never adopt any system or code of laws by general reference to such system or code of laws, but in all cases shall specify the several provisions of the laws it may enact.

ART. 121. The state shall not become subscriber to the stock of any corporation or joint stock company.

ART. 122. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges.

ART. 123. Corporations shall not be created in this state by special laws, except for political or municipal purposes, but the legislature shall provide, by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited.

ART. 124. From and after the month of January, 1890, the legislature shall have the power to revoke the charters of all corporations whose charters shall not have expired previous to that time, and no corporations hereafter to be created shall ever endure for a longer term than twenty-five years, except those which are political or municipal.

ART. 125. The general assembly shall never grant any exclusive privilege or monopoly for a longer period than twenty years.

ART. 126. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace.

ART. 127. Taxation shall be equal and uniform throughout the state. After the year 1848, all property on which taxes may be levied in this state, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ART. 128. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the legislature; provided, that the mayor and recorders shall be ineligible to a seat in the general assembly; and the mayor, recorders and aldermen shall be commissioned by the governor as justices of the peace, and the legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 129. The legislature may provide by law in what cases officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

ART. 130. Any citizen of this state who shall, after the adoption of this constitution, fight a duel with deadly weapons, with a citizen of this state, or send or accept a challenge to fight a duel with deadly weapons, either within this state or out of it

with a citizen of this state, or who shall act as second, or knowingly aid or assist in any manner, those thus offending, shall be deprived of holding any office of profit, and of enjoying the right of suffrage under this constitution.

ART. 131. The legislature shall have power to extend this constitution, and the jurisdiction of this state over any territory acquired by compact with any state, or with the United States, the same being done by the consent of the United States.

ART. 132. The constitution and laws of this state shall be promulgated in the English and French languages.

TITLE VII.

PUBLIC EDUCATION.

ART. 133. There shall be appointed a superintendent of public education, who shall hold his office for two years. His duties shall be prescribed by law. He shall receive such compensation as the legislature may direct.

ART. 134. The legislature shall establish free public schools throughout the state, and shall provide means for their support by taxation on property, or otherwise.

ART. 135. The proceeds of all lands heretofore granted by the United States to this state for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the state, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the state, and the proceeds of the estates of deceased persons to which the state may become entitled by law, shall be held by the state as a loan, and shall be and remain a perpetual fund, on which the state shall pay an annual interest of six per cent.; which interest, together with all the rents of the unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 136. All moneys arising from the sales which have been or may hereafter be made of any lands heretofore granted by the United States to this state, for the use of a seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of

which, at six per cent. per annum, shall be appropriated to the support of a seminary of learning for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

ART. 137. An university shall be established in the city of New Orleans. It shall be composed of four faculties, to wit: one of law, one of medicine, one of the natural sciences, and one of letters.

ART. 138. It shall be called the "University of Louisiana," and the Medical College of Louisiana, as at present organized, shall constitute the faculty of medicine.

ART. 139. The legislature shall provide by law for its further organization and government, but shall be under no obligation to contribute to the establishment or support of said University by appropriations.

TITLE VIII.

MODE OF REVISING THE CONSTITUTION.

ART. 140. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives, and if the same shall be agreed to by three-fifths of the members elected to each house, and approved by the governor, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of state shall cause the same to be published, three months before the next general election, in at least one newspaper in French and English, in every parish in the state, in which a newspaper shall be published; and if in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of state shall cause the same again to be published in the manner aforesaid, at least three months previous to the next general election for representatives to the state legislature, and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the qualified electors shall approve and ratify such amendment or amendments, the same shall be-

come a part of the constitution: if more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

TITLE IX.

SCHEDULE.

ART. 141. The constitution adopted in eighteen hundred and twelve, is declared to be superseded by this constitution, and in order to carry the same into effect, it is hereby declared and ordained as follows:

ART. 142. All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this constitution, and not inconsistent therewith, shall continue as if the same had not been adopted.

ART. 143. Until the first enumeration shall be made as directed in article eighth of this constitution, the parish of Orleans shall have twenty representatives, to be elected as follows, viz:

Eight by the First Municipality, seven by the Second Municipality, and four by the Third Municipality, to be distributed among the nine representative districts, as follows, by allotting to the

First District,	2
Second, "	2
Third, "	3
Fourth, "	3
Fifth, "	3
Sixth, "	2
Seventh, "	2
Eighth, "	1
Ninth, "	1
And to that part of the parish on the right bank of the Mississippi,	1
The Parish of Plaquemines shall have	3
" St. Bernard,	1
" Jefferson,	3
" St. Charles,	1

The parish of	St. John the Baptist shall have	1
"	St. James,	2
"	Ascension,	2
"	Assumption,	3
"	Lafourche Interior,	3
"	Terrebonne,	2
"	Iberville,	2
"	West Baton Rouge,	1
"	East Baton Rouge,	3
"	West Feliciana,	2
"	East Feliciana,	3
"	St. Helena,	1
"	Washington,	1
"	Livingston,	1
"	St. Tammany,	1
"	Pointe Coupée,	1
"	Concordia,	1
"	Tensas,	1
"	Madison,	1
"	Carroll,	1
"	Franklin,	1
"	St. Mary,	2
"	St. Martin,	3
"	Vermillion,	1
"	Lafayette,	2
"	St. Landry,	5
"	Calcasieu,	1
"	Avoyelles,	2
"	Rapides,	3
"	Natchitoches,	3
"	Sabine,	2
"	Caddo,	1
"	De Soto,	1
"	Ouachita,	1
"	Morehouse,	1
"	Union,	1
"	Jackson,	1
"	Caldwell,	1

The parish of	Catahoula shall have . . .	2
"	Claiborne, ...	2
"	Bossier, ...	1
	Total, ...	98

And the state shall be divided into the following senatorial districts.

All that portion of the parish of Orleans lying on the east side of the Mississippi river shall compose one senatorial district and shall elect four senators:

The parishes of Plaquemines, St. Bernard, and that part of the parish of Orleans on the right bank of the river, shall compose one district, with one senator:

The parish of Jefferson shall compose one district, with one senator:

The parishes of St. Charles and St. John the Baptist shall compose one district, with one senator:

The parish of St. James shall compose one district, with one senator:

The parish of Ascension shall compose one district, with one senator:

The parishes of Assumption, Lafourche Interior and Terrebonne, shall compose one district, with two senators:

The parishes of Iberville and West Baton Rouge shall compose one district, with one senator:

The parish of East Baton Rouge shall compose one district, with one senator:

The parish of Point Coupée shall compose one district, with one senator:

The parish of Avoyelles shall compose one district, with one senator:

The parish of St. Mary shall compose one district, with one senator:

The parish of St. Martin shall compose one district, with one senator:

The parishes of Lafayette and Vermillion shall compose one district, with one senator:

The parishes of St. Landry and Calcasieu shall compose one district, with two senators:

The parish of West Feliciana shall compose one district, with one senator:

The parish of East Feliciana shall compose one district, with one senator:

The parishes of St. Helena and Livingston shall compose one district, with one senator:

The parishes of Washington and St. Tammany shall compose one district, with one senator:

The parishes of Concordia and Tensas shall compose one district, with one senator:

The parishes of Carroll and Madison shall compose one district, with one senator:

The parishes of Jackson, Union, Morehouse and Ouachita, shall compose one district, with one senator:

The parishes of Caldwell, Franklin and Catahoula, shall compose one district, with one senator:

The parish of Rapides shall compose one district, with one senator:

The parishes of Bossier and Claiborne shall compose one district, with one senator:

The parish of Natchitoches shall compose one district, with one senator:

The parishes of Sabine, De Soto and Caddo, shall compose one district, with one senator:

ART. 144. In order that no inconvenience may result to the public service from the taking effect of this constitution, no office shall be superseded thereby, but the laws of the state relative to the duties of the several officers, executive, judicial and military, shall remain in full force, though the same be contrary to this constitution, and the several duties shall be performed by the respective officers of the state, according to the existing laws, until the organization of the government under this constitution, and the entering into office of the new officers, to be appointed under said government, and no longer.

ART. 145. Appointments to office by the executive under this

constitution, shall be made by the governor to be elected under its authority.

ART. 146. The provisions of article 28, concerning the inability of members of the legislature to hold certain offices therein mentioned, shall not be held to apply to the members of the first legislature elected under this constitution.

ART. 147. The time of service of all officers chosen by the people, at the first election under this constitution, shall terminate as though the election had been holden on the first Monday of November, 1845, and they had entered on the discharge of their duties at the time designated therein.

ART. 148. The legislature shall provide for the removal of all causes now pending in the supreme or other courts of the state under the constitution of 1812, to courts created by this constitution.

ART. 149. Appeals to the supreme court from the parishes of Jackson, Union, Morehouse, Catahoula, Caldwell, Ouachita, Franklin, Carroll, Madison, Tensas and Concordia, shall, until otherwise provided for, be returnable to New Orleans.

TITLE X.

ORDINANCE.

ART. 150. Immediately after the adjournment of the convention, the governor shall issue his proclamation, directing the several officers of this state, authorized by law to hold elections for members of the general assembly, to open and hold a poll in every parish of the state at the places designated by law, upon the first Monday of November next, for the purpose of taking the sense of the good people of this state in regard to the adoption or rejection of this constitution; and it shall be the duty of the said officers to receive the votes of all persons entitled to vote under the old constitution, and under this constitution. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written "the constitution accepted," or "the constitution rejected," or some such words as will distinctly con-

vey the intention of the voter. At the conclusion of the said election, which shall be conducted in every respect as the general state election is now conducted, the parish judges and commissioners designated to preside over the same, shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the secretary of state, in conformity to the provisions of the existing law upon the subject of elections.

ART. 151. Upon the receipt of the said returns, or on the first Monday of December, if the returns be not sooner received, it shall be the duty of the governor, the secretary of state, the attorney general, and the state treasurer, in the presence of all such persons as may choose to attend, to compare the votes given at the said poll, for the ratification and rejection of this constitution, and if it shall appear from said returns that a majority of all the votes given are for ratifying this constitution, then it shall be the duty of the governor to make proclamation of that fact, and thenceforth this constitution shall be ordained and established as the constitution of the State of Louisiana. But whether this constitution be accepted or rejected, it shall be the duty of the governor to cause to be published in the state paper the result of the polls, showing the number of votes cast in each parish for and against the said constitution.

ART. 152. Should this constitution be accepted by the people, it shall also be the duty of the governor forthwith to issue his proclamation, declaring the present legislature, elected under the old constitution, to be dissolved, and directing the several officers of the state, authorized by law to hold elections for members of the general assembly, to hold an election at the places designated by law, upon the third Monday in January next (1846) for governor, lieutenant-governor, members of the general assembly, and all other officers whose election is provided for pursuant to the provisions of this constitution. And the said election shall be conducted, and the returns thereof made, in conformity with the existing laws upon the subject of state elections.

ART. 153. The general assembly elected under this constitution shall convene at the state house, in the city of New Orleans, upon the second Monday of February next (1846) after the elec-

tions; and that the governor and lieutenant-governor, elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said general assembly to proceed with the transaction of business.

JOSEPH WALKER,
President of the Convention.

Attest:

HORATIO DAVIS,
Secretary of the Convention.

A CONSTITUTION OR FORM OF GOVERNMENT FOR THE PEOPLE OF FLORIDA.

We, the people of the territory of Florida, by our delegates in convention assembled at the city of St. Joseph, on Monday, the third day of December, A.D. 1838, and of the independence of the United States the sixty-third year, having and claiming the right of admission into the Union, as one of the United States of America, consistent with the principles of the federal constitution, and by virtue of the treaty of amity, settlement, and limits between the United States of America and the king of Spain, ceding the provinces of east and west Florida to the United States; in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property, and the pursuit of happiness, do mutually agree, each with the other, to form ourselves into a free and independent state, by the name of the State of Florida.

ARTICLE I.

Declaration of Rights.

That the great and essential principles of liberty and free government may be recognized and established, we declare:

1. That all freemen, when they form a social compact, are equal, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation; and of pursuing their own happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and established for their benefit; and therefore they have, at all times, an inalienable and indefeasible right to alter or abolish their form of government in such manner as they may deem expedient.

3. That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own con-

science; and that no preference shall ever be given by law to any religious establishment, or mode of worship, in this state.

4. That all elections shall be free and equal, and that no property qualification for eligibility to office, or for the right of suffrage, shall ever be required in this state.

5. That every citizen may freely speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that liberty; and no law shall ever be passed to curtail, abridge, or restrain the liberty of speech or of the press.

6. That the right of trial by jury shall for ever remain inviolate.

7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing, shall issue, without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

8. That no freeman shall be taken, imprisoned, or disseized of his freehold, liberties, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.

9. That all courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law; and right and justice administered without sale, denial, or delay.

10. That in all criminal prosecutions, the accused hath a right to be heard, by himself or counsel, or both; to demand the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or presentment, a speedy and public trial, by an impartial jury of the county or district where the offence was committed; and shall not be compelled to give evidence against himself.

11. That all persons shall be bailable, by sufficient securities, unless in capital offences, where the proof is evident or the presumption strong; and the privilege of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

12. That excessive bail shall in no case be required; nor shall excessive fines be imposed, nor shall cruel or unusual punishments be inflicted.

13. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

14. That private property shall not be taken or applied to public use, unless just compensation be made therefor.

15. That in all prosecutions and indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the libel is true, and published with good motives, and for justifiable ends, the truth shall be a justification; and the jury shall be the judges of the law and facts.

16. That no person shall be put to answer any criminal charge, but by presentment, indictment, or impeachment.

17. That no conviction shall work corruption of blood or forfeiture of estate.

18. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared penal or criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law shall ever be made.

19. That no law impairing the obligation of contracts shall ever be passed.

20. That the people have a right, in a peaceable manner, to assemble together to consult for the common good; and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

21. That the free white men of this state shall have a right to keep and to bear arms for their common defence.

22. That no soldier, in time of peace, shall be quartered in any house, without the consent of the owner; nor in time of war, but in a manner prescribed by law.

23. That no standing army shall be kept up, without the consent of the legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

24. That perpetuities and monopolies are contrary to the genius of a free state, and ought not to be allowed.

25. That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this state.

26. That frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

27. That, to guard against transgressions upon the rights of the people, we declare that everything in this article is excepted out of the general powers of government, and shall for ever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

Distribution of the Powers of Government.

1. The powers of the government of the state of Florida shall be divided into three distinct departments, and each of them confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances expressly provided in this constitution.

ARTICLE III.

Executive Department.

1. The supreme executive power shall be vested in a chief magistrate, who shall be styled the governor of the state of Florida.

2. The governor shall be elected for four years, by the qualified electors, at the time and place where they shall vote for representatives; and shall remain in office until a successor be chosen and qualified; and shall not be eligible to re-election until the expiration of four years thereafter.

3. No person shall be eligible to the office of governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States ten years, or an inhabitant of Florida at the time of the adoption of this constitution (being a citizen of

the United States), and shall have been a resident of Florida at least five years next preceding the day of election.

4. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session, open and publish them in the presence of both houses of the general assembly; and the person having the highest number of votes shall be governor. But if two or more shall be equal, and highest in votes, one of them shall be chosen governor by the joint vote of the two houses; and contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected.

6. He shall be commander-in-chief of the army and navy of this state, and of the militia thereof.

7. He may require information, in writing, from the officers of the executive department, on any subject relating to the duties of their respective offices.

8. He may, by proclamation, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place, if that shall have become dangerous from an enemy, or from disease; and, in case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next meeting designated by this constitution.

9. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient.

10. He shall take care that the laws be faithfully executed.

11. In all criminal and penal cases (except of treason and impeachment), after conviction, he shall have power to grant reprieves and pardons, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law; and in cases of treason, he shall have power, by and with the advice and consent of the senate, to grant reprieves and pardons; and he may,

in the recess of the senate, respite the sentence until the end of the next session of the general assembly.

12. There shall be a seal of the state, which shall be kept by the governor, and used by him officially, with such device as the governor first elected may direct; and the present seal of the territory shall be the seal of the state, until otherwise directed by the general assembly.

13. All commissions shall be in the name and by the authority of the state of Florida, be sealed with the state seal, and signed by the governor, and attested by the secretary of state.

14. There shall be a secretary of state appointed by a joint vote of both houses of the general assembly, who shall continue in office during the term of four years; and he shall keep a fair register of the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the general assembly, and shall perform such other duties as may be required of him by law.

15. Vacancies that happen in offices the appointment of which is vested in the general assembly, or given to the governor with the advice and consent of the senate, shall be filled by the governor during the recess of the general assembly, by granting commissions, which shall expire at the end of the next session.

16. Every bill, which shall have passed both houses of the general assembly, shall be presented to the governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it; and if, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by a majority of the whole number elected to that house, it shall become a law. But in such cases, the votes of both houses shall be by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journals of each house, respectively; and if any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the

general assembly, by their adjournment, prevent its return; in which case, it shall not be a law.

17. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on questions of adjournment, shall be presented to the governor; and, before it shall take effect, be approved by him, or, being disapproved, be repassed by both houses, according to the rules and limitations prescribed in case of a bill.

18. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the president of the senate shall exercise all the power and authority appertaining to the office of governor, during the term for which the governor was elected; unless the general assembly shall provide by law for the election of a governor to fill such vacancy, or until the governor so absent or impeached shall return or be acquitted.

19. If, during the vacancy of the office of governor, the president of the senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the house of representatives shall, in like manner, administer the government.

20. The president of the senate, or speaker of the house of representatives, during the time he administers the government, shall receive the same compensation which the governor would have received.

21. The governor shall always reside, during the sessions of the general assembly, at the place where their sessions are held, and at all other times, wherever, in their opinion, the public good may require.

22. No person shall hold the office of governor, and any other office or commission, civil or military, either in this state, or under any state, or the United States, or any other power, at one and the same time, except the president of the senate, or the speaker of the house of representatives, when he shall hold the office, as aforesaid.

23. A state treasurer and comptroller of public accounts shall be elected by joint vote of both houses of the general assembly, at each regular session thereof.

ARTICLE IV.

Legislative Department.

1. The legislative power of this state shall be vested in two distinct branches—the one to be styled the Senate, the other the House of Representatives, and both together "the General Assembly of the State of Florida;" and the style of the laws shall be, "Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened."

2. The members of the house of representatives shall be chosen by the qualified voters, and shall serve for the term of one year, from the day of the commencement of the general election, and no longer; and the sessions of the general assembly shall be annual, and commence on the fourth Monday in November, in each year, or at such other time as may be prescribed by law.

3. The representatives shall be chosen every year, on the first Monday in the month of October, until otherwise directed by law.

4. No person shall be a representative unless he be a white man, a citizen of the United States, and shall have been an inhabitant of the state two years next preceding his election, and the last year thereof a resident of the county for which he shall be chosen, and shall have attained the age of twenty-one years.

5. The senators shall be chosen by the qualified electors for the term of two years, at the same time, in the same manner, and in the same places, where they vote for members of the house of representatives; and no man shall be a senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this state two years next preceding his election, and the last year thereof a resident of the district or county for which he shall be chosen, and shall have attained the age of twenty-five years.

6. The senators, after their first election, shall be divided by lot into two classes; and the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year; so that one-half thereof, as near as possible, may be chosen for ever thereafter, annually, for the term of two years.

7. The house of representatives, when assembled, shall choose a speaker, and its other officers; and the senate a president, and its other officers; and each house shall be judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

9. Each house may determine the rules of its own proceedings, punish its members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same cause.

10. Each house, during the session, may punish by imprisonment any person, not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, provided such imprisonment shall not extend beyond the end of the session.

11. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after its adjournment; and the yeas and nays of the members of each house shall be taken and entered upon the journals, upon the final passage of every bill, and may, by any two members, be required upon any other question; and any member of either house shall have liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the journal.

12. Senators and representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to or returning from the same, allowing one day for every twenty miles such member may reside from the place at which the general assembly is convened; and for any speech or debate in either house, they shall not be questioned in any other place.

13. The general assembly shall make provision by law for filling vacancies that may occur in either house, by the death, resignation, or otherwise, of any of its members.

14. The doors of each house shall be open, except on such occasions as, in the opinion of the house, the public safety may imperiously require secresy.

15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. Bills may originate in either house of the general assembly, and all bills passed by one house may be discussed, amended, or rejected by the other; but no bill shall have the force of law until, on three several days, it be read in each house, and free discussion be allowed thereon, unless, in cases of urgency, four-fifths of the house in which the same shall be depending, may deem it expedient to dispense with the rule; and every bill having passed both houses shall be signed by the speaker and president of their respective houses.

17. Each member of the general assembly shall receive, from the public treasury, such compensation for his services as may be fixed by law; but no increase of compensation shall take effect during the term for which the representatives were elected when such law passed.

18. The number of members of the house of representatives shall never exceed sixty.

ARTICLE V.

Judicial Department.

1. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, courts of chancery, circuit courts, and justices of the peace: provided the general assembly may also vest such criminal jurisdiction as may be deemed necessary in corporation courts; but such jurisdiction shall not extend to capital offences.

2. The supreme court, except in cases otherwise directed in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, under such restrictions and regulations, not repugnant to this constitution, as may from time to time be prescribed by law; provided that the said court shall always have power to issue writs of *injunction, mandamus, quo*

warranto, habeas corpus, and such other remedial and original writs as may be necessary to give it a general superintendence and control of all other courts.

3. For the term of five years from the election of the judges of the circuit courts, and thereafter until the general assembly shall otherwise provide, the powers of the supreme court shall be vested in, and its duties performed by, the judges of the several circuit courts within this state; and they, or a majority of them, shall hold such sessions of the supreme court, and at such times, as may be directed by law.

4. The supreme court, when organized, shall be holden at such times and places as may be provided by law.

5. The state shall be divided into at least four convenient circuits; and until other circuits shall be provided for by the general assembly, the arrangement of the circuits shall be the western, middle, eastern, and southern circuits; and for each circuit there shall be appointed a judge, who shall, after his appointment, reside in the circuit for which he has been appointed, and shall, at stated times, receive for his services a salary of not less than two thousand dollars per annum, which shall not be diminished during the continuance of such judge in office; but the judges shall receive no fees or perquisites of office, nor hold any other office of profit under the state, the United States, or any other power.

6. The circuit courts shall have original jurisdiction in all matters, civil and criminal, within this state, not otherwise excepted in this constitution.

7. A circuit court shall be held in such counties, and at such times and places therein, as may be prescribed by law; and the judges of the several circuit courts may hold courts for each other, and shall do so when directed by law.

8. The general assembly shall have power to establish and organize a separate court or courts of original equity jurisdiction; but, until such court or courts shall be established and organized, the circuit courts shall exercise such jurisdiction.

9. The general assembly shall provide by law for the appointment, in each county, of an officer to take probate of wills, to grant letters testamentary, of administration, and guardianship;

to attend to the settlement of the estates of decedents and of minors, and to discharge the duties usually pertaining to courts of ordinary, subject to the direction and supervision of the courts of chancery, as may be provided by law.

10. A competent number of justices of the peace shall be, from time to time, appointed or elected, in and for each county, in such mode and for such term of office as the general assembly may direct, and shall possess such jurisdiction as may be prescribed by law; and in cases tried before a justice of the peace, the right of appeal shall be secured, under such rules and regulations as may be prescribed by law.

11. Justices of the supreme court, chancellors, and judges of the circuit courts, shall be elected by the concurrent vote of a majority of both houses of the general assembly.

12. The judges of the circuit courts shall, at the first session of the general assembly to be holden under this constitution, be elected for the term of five years, and shall hold their offices for that term, unless sooner removed under the provisions made in this constitution for removal of judges by address or impeachment; and at the expiration of five years, the justices of the supreme court and the judges of the circuit courts shall be elected for the term of and during their good behavior; and for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of two-thirds of each house of the general assembly; provided, however, that the cause or causes shall be stated at length in such address, and entered on the journals of each house; and provided, further, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass; and in such cases the vote shall be taken by yeas and nays, and entered on the journals of each house respectively.

13. The clerk of the supreme court and the clerks of the courts of chancery shall be elected by the general assembly; and the clerks of the circuit courts shall be elected by the qualified electors, in such mode as may be prescribed by law.

14. The justices of the supreme court, chancellors, and judges

of the circuit courts, shall, by virtue of their offices, be conservators of the peace throughout the state, and justices of the peace in their respective counties.

15. The style of all processes shall be, "the State of Florida;" and all criminal prosecutions shall be carried on in the name of the State of Florida, and all indictments shall conclude "against the peace and dignity of the same."

16. There shall be an attorney-general for the state, who shall reside at the seat of government. It shall be his duty to attend all sessions of the general assembly, and, upon the passage of any act, to draught, and submit to the general assembly, at the same session, all necessary forms of proceedings under such laws, which, when approved, shall be published therewith; and he shall perform such other duties as may be prescribed by law. He shall be elected by joint vote of the two houses of the general assembly, and shall hold his office for four years; but may be removed by the governor, on the address of two-thirds of the two houses of the general assembly; and shall receive for his services a compensation to be fixed by law.

17. There shall be one solicitor for each circuit, who shall reside therein, to be elected by the joint vote of the general assembly, who shall hold his office for the term of four years, and shall receive for his services a compensation to be fixed by law.

18. No justice of the supreme court shall sit as judge, or take part in the appellate court, on the trial or hearing of any case which shall have been decided by him in the court below.

19. The general assembly shall have power to establish in each county a board of commissioners for the regulation of the county business therein.

20. No duty not judicial shall be imposed by law upon the justices of the supreme court, chancellors, or the judges of the circuit courts of this state.

ARTICLE VI.

The Right of Suffrage and Qualifications of Officers; Civil Offices; and Impeachments and Removals from Office.

1. Every free white male person of the age of twenty-one years and upwards, and who shall be, at the time of offering to vote, a

citizen of the United States, and who shall have resided and had his habitation, domicil, home, and place of permanent abode in Florida, for two years next preceding the election at which he shall offer to vote, and who shall have at such time, and for six months immediately preceding said time shall have had, his habitation, domicil, home, and place of permanent abode in the county in which he may offer to vote, and who shall be enrolled in the militia thereof (unless by law exempted from serving in militia), shall be deemed a qualified elector at all elections under this constitution, and none others, except in elections by general ticket in the state or district prescribed by law; in which cases, the elector must have been a resident of the state two years next preceding the election, and six months within the election district in which he offers to vote: provided that no soldier, seaman, or marine, in the regular army or navy of the United States, unless he be a qualified elector of the state previous to his enlistment as such soldier, seaman or marine in the regular army or navy of the United States, or of the revenue service, shall be considered a resident of the state, in consequence of being stationed within the same.

2. The general assembly shall, at its first session, provide for the registration of all the qualified electors in each county, and thereafter, from time to time, of all who may become such qualified electors.

3. No president, director, cashier, or other officer, of any banking company in this state, shall be eligible to the office of governor, senator, or representative to the general assembly of this state, so long as he shall be such president, director, cashier, or other officer, nor until the lapse of twelve months from the time at which he shall have ceased to be such president, director, cashier, or other officer.

4. The general assembly shall have power to exclude from every office of honor, trust, or profit, within the state, and from the right of suffrage, all persons convicted of bribery, perjury, or other infamous crime.

5. No person shall be capable of holding, or of being elected to, any post of honor, profit, trust, or emolument, civil or military,

legislative, executive, or judicial, under the government of this state, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or who shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance, whether the same occur or be committed in or out of the state.

6. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the general assembly, or be eligible to any office of trust or profit under this state, until he shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

7. No governor, member of congress, or of the general assembly of this state, shall receive a fee, be engaged as counsel, agent, or attorney, in any civil case or claim against this state, or to which this state shall be a party, during the time he shall remain in office.

8. No governor, justice of the supreme court, chancellor, or judge in this state, shall be eligible to election or appointment to any other and different station, or office, or post of honor or emolument, under this state, or to the station of senator or representative in the congress of the United States from this state, until one year after he shall have ceased to be such governor, justice, chancellor, or judge.

9. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

10. No minister of the gospel shall be eligible to the office of governor, senator, or member of the house of representatives of this state.

11. Members of the general assembly, and all officers, civil and military, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I, ——, do swear (or affirm) that I am duly qualified, according

to the constitution of this state, to exercise the office to which I have been elected (or appointed), and will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the constitution of this state and of the United States."

12. Every person shall be disqualified from serving as governor, senator, representative, or from holding any other office of honor or profit in this state, for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe to procure his election.

13. Laws shall be made by the general assembly, to exclude from office and from suffrage those who shall have been, or may thereafter be, convicted of bribery, perjury, forgery, or other high crime or misdemeanor; and the privilege of suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practices.

14. All civil officers of the state at large shall reside within the state, and all district or county officers within their respective districts or counties, and shall keep their respective offices at such places therein as may be required by law.

15. It shall be the duty of the general assembly to regulate by law in what cases and what deduction from the salaries of public officers shall be made for neglect of duty in their official capacity.

16. Returns of elections for members of congress and the general assembly shall be made to the secretary of state, in manner to be prescribed by law.

17. In all elections by the general assembly, the vote shall be *vivâ voce;* and in all elections by the people, the vote shall be by ballot.

18. No member of congress, or person holding or exercising any office of profit under the United States, or under any foreign power, shall be eligible as a member of the general assembly of this state, or hold or exercise any office of profit under the state; and no person in this state shall ever hold two offices of profit at the same time, except the office of justice of the peace, notary public, constable, and militia offices.

19. The general assembly shall by law provide for the appoint-

ment or election and the removal from office, of all officers, civil and military, in this state, not provided for in this constitution.

20. The power of impeachment shall be vested in the house of representatives.

21. All impeachments shall be tried by the senate; and, when sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

22. The governor, and all civil officers, shall be liable to impeachment for any misdemeanor in office: but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit, under this state: but the parties shall nevertheless be liable to indictment, trial, and punishment, according to law.

ARTICLE VII.

Militia.

1. All militia officers shall be elected by the persons subject to military duty within the bounds of their several companies, battalions, regiments, brigades, and divisions, under such rules and regulations as the general assembly may, from time to time, direct and establish.

2. The governor shall appoint all the officers of the executive staff, except the adjutant-general and paymaster-general, who shall be appointed by the governor, by and with the advice and consent of the senate. The majors-general and brigadiers-general, and commanding officers of regiments, shall appoint such staff officers as may be prescribed by law: provided, no person shall be eligible to any staff-appointment unless he hold a commission in the line.

ARTICLE VIII.

Taxation and Revenue.

1. The general assembly shall devise and adopt a system of revenue, having regard to an equal and uniform mode of taxation, to be general throughout the state.

2. No other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of government.

3. No money shall be drawn from the treasury but in consequence of an appropriation by law; and a regular statement of the receipts and the expenditures of all public moneys shall be published and promulgated annually with the laws of the general assembly.

4. The general assembly shall have power to authorize the several counties and incorporated towns in this state to impose taxes for county and corporation purposes, respectively; and all property shall be taxed upon the principles established in regard to state taxation.

ARTICLE IX.

Census and Apportionment of Representation.

1. The general assembly shall, in the year one thousand eight hundred and forty-five, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the state, and to the whole number of free white inhabitants shall be added three-fifths of the number of slaves; and they shall then proceed to apportion the representation equally among the different counties, according to such enumeration; giving, however, one representative to every county, and increasing the number of representatives, on a uniform ratio of population, according to the foregoing basis; and which ratio shall not be changed until a new census shall have been taken.

2. The general assembly shall, also, after every such enumeration, proceed to fix by law the number of senators which shall constitute the senate of the State of Florida, and which shall never be less than one-fourth nor more than one-half of the whole number of the house of representatives; and they shall lay off the state into the same number of senatorial districts, as nearly equal in the number of inhabitants as may be, according to the ratio of representation established in the preceding section; each of which districts shall be entitled to one senator.

3. When any senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

4. No new county shall be entitled to separate representation until its population equal the ratio of representation then existing; nor shall any county be reduced in population, by division, below the existing ratio.

5. Until the apportionment of representation by the general assembly, as directed in the foregoing section, the several counties shall be entitled to the following representatives, viz.: Escambia three; Walton one; Washington one; Jackson three; Franklin two; Calhoun two; Gadsden four; Leon six; Jefferson three; Madison one; Hamilton one; Columbia two; Alachua two; Duval two; Nassau one; St. John's three; Mosquito one; Dade one; Monroe one; Hillsborough one. And until the apportionment of senators under the census as aforesaid, there shall be sixteen senatorial districts in this state, which shall be as follows:

The county of Escambia shall compose the first district.

The counties of Walton and Washington shall compose the second district.

The county of Jackson shall compose the third district.

The county of Calhoun shall compose the fourth district.

The county of Franklin shall compose the fifth district.

The county of Gadsden shall compose the sixth district.

The county of Leon shall compose the seventh district.

The county of Jefferson shall compose the eighth district.

The county of Madison shall compose the ninth district.

The county of Hamilton shall compose the tenth district.

The county of Columbia shall compose the eleventh district.

The county of Alachua shall compose the twelfth district.

The county of Duval shall compose the thirteenth district.

The county of Nassau shall compose the fourteenth district.

The counties of St. John's and Mosquito shall compose the fifteenth district.

The counties of Dade, Monroe, and Hillsborough, shall compose the sixteenth district.

And each senatorial district shall elect one senator, and the seventh district shall be entitled to two.

ARTICLE X.

Education.

1. The proceeds of all lands that have been, or may hereafter be, granted by the United States for the use of schools and a seminary or seminaries of learning, shall be and remain a perpetual fund, the interest of which, together with all moneys derived from any other source, applicable to the same object, shall be inviolably appropriated to the use of schools and seminaries of learning, respectively, and to no other purpose.

2. The general assembly shall take such measures as may be necessary to preserve from waste or damage all lands so granted and appropriated to the purposes of education.

ARTICLE XI.

Public Domain and Internal Improvements.

1. It shall be the duty of the general assembly to provide for the prevention of waste and damage of the public lands now possessed, or that may hereafter be ceded to the Territory or State of Florida; and it may pass laws for the sale of any part or portion thereof, and, in such case, provide for the safety, security, and appropriation of the proceeds.

2. A liberal system of internal improvements being essential to the development of the resources of the country, shall be encouraged by the government of this state; and it shall be the duty of the general assembly, as soon as practicable, to ascertain, by law, proper objects of improvement in relation to roads, canals, and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements.

ARTICLE XII.

Boundaries.

1. The jurisdiction of the State of Florida shall extend over the territories of East and West Florida, which, by the treaty of

amity, settlement, and limits, between the United States and his Catholic Majesty, on the 22d day of February, A. D. 1819, were ceded to the United States.

ARTICLE XIII.

Banks and other Corporations.

1. The general assembly shall pass a general law for the incorporation of all such churches, and religious or other societies, as may accept thereof; but no special act of incorporation thereof shall be passed.

2. The general assembly shall pass no act of incorporation, or make any alteration therein, unless with the assent of at least two-thirds of each house, and unless public notice in one or more newspapers in the state shall have been given for at least three months immediately preceding the session at which the same may be applied for.

3. No banking corporation shall be created, or continue, which is composed of a less number than twenty individuals, a majority of whom, at least, shall be residents of the state; and no other corporation shall be created, or continue, composed of a less number than ten, of whom at least five shall be residents of this state.

4. No bank charter, or any act of incorporation granting exclusive privileges, shall be granted for a longer period than twenty years; and no bank charter shall ever be extended or renewed.

5. The charters of banks granted by the general assembly shall restrict such banks to the business of exchange, discount, and deposit; and they shall not speculate or deal in real estate, or the stock of other corporations or associations, or in merchandise or chattels, or be concerned in insurance, manufacturing, exportation, or importation, except of bullion or specie; shall not act as trustee in anywise, nor shall they own real estate or chattels, except such as shall be necessary for their actual use in the transaction of business, or which may be pledged as further security, or received towards, or in satisfaction of, previously contracted debts, or purchased at legal sales to satisfy such debts;

of which they shall be required to make sale within two years after the acquisition thereof.

6. The capital stock of any bank shall not be less than one hundred thousand dollars, and shall be created only by the actual payment of specie therein; and no bank shall borrow money to create or add to its capital or to conduct its business, and no loans shall be made on stock.

7. All liabilities of such banks shall be payable in specie, and the aggregate of the liabilities and issues of a bank shall at no time exceed double the amount of its capital stock paid in.

8. No bank shall make a note or security of any kind for a smaller sum than five dollars; and the general assembly may increase such restriction to twenty dollars.

9. No dividends of profits exceeding ten per centum per annum on the capital stock paid in, shall be made; but all profits over ten per centum per annum shall be set apart and retained as a safety fund.

10. Stockholders in a bank, when an act of forfeiture of its charter is committed, or when it is dissolved, or expires, shall be individually and severally liable for the payment of all its debts, in proportion to the stock owned by each.

11. Banks shall be open to inspection under such regulations as may be prescribed by law; and it shall be the duty of the governor to appoint a person or persons, not connected in any manner with any bank in the state, to examine at least once a year into their state and condition; and the officers of every bank shall make quarterly returns to the governor of its state and condition, and the names of the stockholders, and shares held by each.

12. *Non user* for the space of one year, or any act of a corporation, or those having the control and management thereof, or entrusted therewith, inconsistent with, or in violation of, the provisions of this constitution, or of its charter, shall cause its forfeiture; and the general assembly shall, by general law, provide a summary process for the sequestration of its effects and assets, and the appointment of officers to settle its affairs; and no forfeited charter shall be restored. The foregoing provisions shall not be construed to prevent the general assembly from

imposing other restrictions and provisions in the creation of corporations.

13. The general assembly shall not pledge the faith and credit of the state to raise funds in aid of any corporation whatsoever.

14. The general assembly shall, at its first session, have power to regulate, restrain, and control all associations claiming to exercise corporate privileges in the state, so as to guard, protect, and secure the interests of the people of the state, not violating vested rights or impairing the obligation of contracts.

ARTICLE XIV.

Amendments and Revision of the Constitution.

1. No convention of the people shall be called, unless by the concurrence of two-thirds of each house of the general assembly.

2. No part of this constitution shall be altered, unless a bill to alter the same shall have been read three times in the house of representatives, and three times in the senate, and agreed to by two-thirds of each house of the general assembly; neither shall any alteration take place until the bill so agreed to, be published six months previous to a new election for members to the house of representatives; and, if the alteration proposed by the general assembly shall be agreed to, at their first session, by two-thirds of each house of the general assembly, after the same shall have been read three times on three several days in each house, then, and not otherwise, the same shall become a part of the constitution.

ARTICLE XV.

The Seat of Government.

1. The seat of government of the State of Florida shall be and remain permanent at the city of Tallahassee for the term of five years from and after the end of the first session of the general assembly to be holden under this constitution; and, after the expiration of the said five years, the general assembly shall have power to remove the seat of government from Tallahassee, and fix the same at any other point: provided that the general

assembly shall, immediately after the expiration of ten years from the end of the said first session thereof, fix permanently the seat of government.

ARTICLE XVI.

General Provisions.

1. The general assembly shall have no power to pass laws for the emancipation of slaves.

2. They shall have no power to prevent emigrants to this state from bringing with them such persons as may be deemed slaves by the laws of any one of the United States: *provided*, they shall have power to enact laws to prevent the introduction of any slaves who may have committed crimes in other states.

3. The general assembly shall have power to pass laws to prevent free negroes, mulattoes, and other persons of color, from immigrating to this state, or from being discharged from on board any vessel in any of the ports of Florida.

4. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his confession in open court.

5. Divorces from the bonds of matrimony shall not be allowed but by the judgment of a court, as shall be prescribed by law.

6. The general assembly shall declare, by law, what parts of the common law, and what parts of the civil law, not inconsistent with this constitution, shall be in force in this state.

7. The oaths of officers, directed to be taken under this constitution, may be administered by any judge or justice of the peace of the Territory or State of Florida, until otherwise prescribed by law.

ARTICLE XVII.

Schedule and Ordinance.

In order that no inconvenience may arise from the organization and establishment of the state government, it is declared:

1. That all laws or parts of laws now in force, or which may

be hereafter passed by the governor and legislative council of the Territory of Florida, not repugnant to the provisions of this constitution, shall continue in force until, by operation of their provisions or limitations, the same shall cease to be in force, or until the general assembly of this state shall alter or repeal the same; and all writs, actions, prosecutions, judgments, and contracts, shall be and continue unimpaired; and all processes which have heretofore issued, or which may be issued prior to the last day of the first session of the general assembly of this state, shall be as valid as if issued in the name of the state; and nothing in this constitution shall impair the obligation of contracts, or violate vested rights, either of individuals or of associations claiming to exercise corporate privileges in this state.

2. All fines, penalties, forfeitures, obligations, and escheats, accruing to the Territory of Florida, shall accrue to the use of the State of Florida.

3. All recognizances heretofore taken, or which may be taken before the organization of the judicial department under this constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of the state; and all bonds executed to the governor of the Territory of Florida, or to any other officer in his official capacity, shall pass over to the governor or other proper state authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all criminal prosecutions and penal actions which have arisen, or which may arise before the organization of the judicial department under this constitution, and which shall then be depending, may be prosecuted to judgment and execution in the name of the state.

4. All officers, civil and military, now holding their offices and appointments in the Territory under the authority of the United States, or under the authority of the Territory, shall continue to hold and exercise their respective offices and appointments until superseded under this constitution; and all actions at law or suits in chancery, or any proceeding pending, or which may be pending, in any court of the Territory of Florida, may be commenced in, or transferred to, such court of the state as may have jurisdiction of the subject matter thereof.

5. This constitution shall be submitted to the people for ratification at the election for delegates on the first Monday of May next. Each qualified voter shall express his assent or dissent to the constitution, by directing the managers of said election to write opposite to his name on the poll-book, either the words "*constitution*" or "*no constitution.*" And in case the time of election for delegate be changed to any other day than the first Monday of May next, then the judges or clerks of the county courts, respectively, shall appoint managers to hold an election on the said first Monday of May, for ratification of the constitution; and said managers shall conduct said election in the manner provided by the laws of the Territory respecting elections, and make return of the result of such vote forthwith, by depositing the original poll-book in the clerk's office of their counties respectively, and by transmitting a certificate of the result to the president of the convention, who shall forthwith make proclamation of the same; and in case the constitution be ratified by the people, and immediately after official information shall have been received that Congress have approved the constitution and provided for the admission of Florida, the president of this convention shall issue writs of election to the proper officers in the different counties, enjoining them to cause an election to be held for governor, representative in Congress, and members of the general assembly, in each of their respective counties. The election shall be held on the first Monday after the lapse of sixty days following the day of the date of the president's proclamation, and shall take place on the same day throughout the state. The said election shall be conducted according to the then existing election laws of the Territory of Florida: provided, however, that in case of the absence or disability of the president of the convention to cause the said election to be carried into effect, the secretary of this convention shall discharge the duties hereby imposed upon the president; and, in case of the absence or disability of the secretary, a committee consisting of five, to wit: Leigh Reed, George T. Ward, James D. Westcott, jr., Thomas Brown, and Leslie A. Thompson, or a majority of them, shall discharge the duties herein imposed on the secretary of the convention; and the members of the general assembly, so selected, shall assemble on the fourth Monday

thereafter, at the seat of government. The governor, representative in Congress, and members of the general assembly, shall enter upon the duties of their respective offices immediately after their election under the provisions of this constitution, and shall continue in office in the same manner, and during the same period, they would have done had they been elected on the first Monday in October.

6. The general assembly shall have power, by the votes of two-thirds of both houses, to accede to such propositions as may be made by the Congress of the United States upon the admission of the state of Florida into the national confederacy and union, if they shall be deemed reasonable and just, and to make declaration of such assent, by law; and such declaration, when made, shall be binding upon the people and the state of Florida as a compact; and the governor of the state of Florida shall notify the president of the United States of the acts of the general assembly relating thereto; and, in case of declining to accede to such propositions, or any part thereof, the general assembly shall instruct the senators and representative of the state of Florida in Congress to procure such modification or alteration thereof as may be deemed reasonable and just, and assent thereto, subject to the ratification of the general assembly, by law, as aforesaid.

7. The courts of this state shall never entertain jurisdiction of any grants of land in the Floridas made by the King of Spain, or by his authority, subsequent to the twenty-fourth day of January, eighteen hundred and eighteen; nor shall the said courts receive as evidence, in any case, certain grants said to have been made by the said King of Spain in favor of the Duke of Alagon, the Count Punon Rostro, and Don Pedro de Vargas, or any title derived from either of said grants, unless with the express assent of the Congress of the United States.

Done in convention, held in pursuance of an act of the governor and legislative council of the Territory of Florida, entitled, "An act to call a convention for the purpose of organizing a state government," passed thirtieth day of January, eighteen hundred and thirty-eight, and approved second February, eighteen hundred and thirty-eight.

In witness whereof, the undersigned, the president of said convention, and delegates representing the people of Florida, do hereunto sign our names, this eleventh day of January, anno Domini eighteen hundred and thirty-nine, and of the independence of the United States of America the sixty-third year; and the secretary of said convention doth countersign the same.

ROBERT RAYMOND REID, *President.*

WALKER ANDERSON,	E. CARRINGTON CABELL,
JOHN L. MCKINNON,	J. MCCANTS,
DANIEL G. MCLEAN,	JOHN C. MCGEHEE,
STEPHEN J. ROCHE,	JOSEPH B. WATTS,
E. ROBBINS,	WILLIAM B. HOOKER,
COSAM EMIR BARTLETT,	WILSON BROOKS,
THOMAS BALTZELL,	GEORGE E. MCCLELLAN,
SAMUEL C. BELLAMY,	JOHN F. WEBB,
ALFRED L. WOODWARD,	I. GARRISON,
RICHARD H. LONG,	E. K. WHITE,
RICHARD C. ALLEN,	A. W. CRICHTON,
BANKS MEACHAM,	OLIVER WOOD,
JOHN W. MALONE,	WILLIAM HADDOCK,
GEORGE T. WARD,	JOSE SIMEON SANCHEZ,
W. WYATT,	EDWIN T. JENCKES,
JAMES D. WESTCOTT, JR.,	DAVID LEVY,
LEIGH READ,	W. H. WILLIAMS,
A. BELLAMY,	WILLIAM MARVIN,
JOHN N. PARTRIDGE,	J. B. BROWN,
WILLIAM BUNCE,	EDMUND BIRD.

JOSHUA KNOWLES, *Secretary.*

I certify that the foregoing is a true copy from the original.

JOSHUA KNOWLES, *Secretary.*

CONSTITUTION OF THE STATE OF TEXAS,

ADOPTED IN CONVENTION, AT THE CITY OF AUSTIN, 1845.

We, the people of the republic of Texas, acknowledging with gratitude the grace and beneficence of God in permitting us to make a choice of our form of government, do, in accordance with the provisions of the joint resolution for annexing Texas to the United States, approved March first, one thousand eight hundred and forty-five, ordain and establish this constitution.

ARTICLE FIRST.

Bill of Rights.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare that—

Sec. 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the unalienable right to alter, reform, or abolish their form of government, in such manner as they may think expedient.

Sec. 2. All freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive, separate, public emoluments or privileges, but in consideration of public services.

Sec. 3. No religious test shall ever be required as a qualification to any office or public trust in this state.

Sec. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences; no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no

preference shall ever be given by law to any religious societies or modes of worship. But it shall be the duty of the legislature to pass such laws as shall be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

SEC. 5. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

SEC. 6. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 7. The people shall be secure in their persons, houses, papers, and possessions, from all unreasonable seizures or searches; and no warrant to search any place, or to seize any person or thing, shall issue, without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 8. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor; and no person shall be holden to answer for any criminal charge, but on indictment or information, except in cases arising in the land or naval forces, or offences against the laws regulating the militia.

SEC. 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a judge of the supreme or district court, upon the return of the writ of habeas corpus, returnable in the county where the offence is committed.

SEC. 10. The privilege of the writ of habeas corpus shall not

be suspended, except when, in case of rebellion or invasion, the public safety may require it.

SEC. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open; and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

SEC. 12. No person, for the same offence, shall be twice put in jeopardy of life or limb; nor shall a person be again put upon trial for the same offence after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

SEC. 13. Every citizen shall have the right to keep and bear arms in the lawful defence of himself and the state.

SEC. 14. No bill of attainder, ex post facto law, retro-active law, or any law impairing the obligation of contracts, shall be made; and no person's property shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person.

SEC. 15. No person shall ever be imprisoned for debt.

SEC. 16. No citizen of this state shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

SEC. 17. The military shall at all times be subordinate to the civil authority.

SEC. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this state.

SEC. 19. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other purposes, by petition, address, or remonstrance.

SEC. 20. No power of suspending laws in this state shall be exercised, except by the legislature or its authority.

SEC. 21. To guard against transgressions of the high powers herein delegated, we declare that everything in this "bill of rights" is excepted out of the general powers of government, and

shall for ever remain inviolate; and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE SECOND.

SEC. 1. The powers of the government of the state of Texas shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judicial, to another; and no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE THIRD.

Legislative Department.

SEC. 1. Every free male person who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, or who is, at the time of the adoption of this constitution by the Congress of the United States, a citizen of the republic of Texas, and shall have resided in this state one year next preceding an election, and the last six months within the district, county, city, or town, in which he offers to vote (Indians not taxed, Africans and descendants of Africans, excepted), shall be deemed a qualified elector; and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer: *provided*, that the qualified electors shall be permitted to vote anywhere in the state for state officers: *and provided, further*, that no soldier, seaman, or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this constitution.

SEC. 2. All free male persons over the age of twenty-one years (Indians not taxed, Africans and descendants of Africans, excepted), who shall have resided six months in Texas, immediately preceding the acceptance of this constitution by the Congress of the United States, shall be deemed qualified electors.

SEC. 3. Electors in all cases shall be privileged from arrest

during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

SEC. 4. The legislative powers of this state shall be vested in two distinct branches: the one to be styled the senate, and the other the house of representatives, and both together the "Legislature of the State of Texas." The style of all laws shall be, "Be it enacted by the Legislature of the State of Texas."

SEC. 5. The members of the house of representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election; and the sessions of the legislature shall be biennial, at such times as shall be prescribed by law.

SEC. 6. No person shall be a representative, unless he be a citizen of the United States, or at the time of the adoption of this constitution a citizen of the republic of Texas, and shall have been an inhabitant of this state two years next preceding his election, and the last year thereof a citizen of the county, city, or town for which he shall be chosen, and shall have attained the age of twenty-one years at the time of his election.

SEC. 7. All elections by the people shall be held at such time and places, in the several counties, cities, or towns, as are now, or may hereafter be, designated by law.

SEC. 8. The senators shall be chosen by the qualified electors for the term of four years; and shall be divived by lot into two classes, as nearly equal as can be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years; so that one-half thereof shall be chosen biennially thereafter.

SEC. 9. Such mode of classifying new additional senators shall be observed, as will as nearly as possible preserve an equality of number in each class.

SEC. 10. When a senatorial district shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

SEC. 11. No person shall be a senator unless he be a citizen of the United States, or at the time of the acceptance of this constitution by the Congress of the United States, a citizen of the

republic of Texas; and shall have been an inhabitant of this state three years next preceding the election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

SEC. 12. The house of representatives, when assembled, shall choose a speaker and its other officers; and the senate shall choose a president for the time being and its other officers. Each house shall judge of the qualifications and elections of its own members; but contested elections shall be determined in such manner as shall be directed by law. Two-thirds of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

SEC. 13. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offence.

SEC. 14. Each house shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall at the desire of any three members present be entered on the journals.

SEC. 15. When vacancies happen in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancy.

SEC. 16. Senators and representatives shall in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the legislature is convened.

SEC. 17. Each house may punish by imprisonment during the session, any person not a member, for disrespectful or disorderly conduct, in its presence; or for obstructing any of its proceedings; provided such imprisonment shall not at any one time exceed 48 hours.

SEC. 18. The doors of each house shall be kept open.

SEC. 19. Neither house shall, without the consent of the other,

adjourn for more than three days; nor to any other place than that in which they may be siiting, without the concurrence of both houses.

SEC. 20. Bills may originate in either house, and be amended, altered, or rejected by the other; but no bill shall have the force of a law until, on three several days, it be read in each house, and free discussion be allowed thereon, unless, in case of great emergency, four-fifths of the house in which the bill shall be pending may deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

SEC. 21. All bills for raising revenue shall originate in the house of representatives; but the senate may amend or reject them, as other bills.

SEC. 22. After a bill or resolution has been rejected by either branch of the legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

SEC. 23. Each member of the legislature shall receive from the public treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

SEC. 24. No senator or representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this state, which shall have been created, or the emoluments of which may have been increased, during such term; and no member of either house of the legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the legislature; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided. The president for the time being of the senate, and speaker of the house of representatives, shall be elected from their respective bodies.

SEC. 25. No judge of any court of law or equity, secretary of state, attorney-general, clerk of any court of record, sheriff, or

collector, or any person holding a lucrative office under the United States, or this state, or any foreign government, shall be eligible to the legislature, nor shall at the same time hold or exercise any two offices, agencies, or appointments of trust or profit under this state: provided, that offices of the militia, to which there is attached no annual salary, or the office of justice of the peace, shall not be deemed lucrative.

SEC. 26. No person, who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the legislature, or to any office of profit or trust under the state government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

SEC. 27. Ministers of the Gospel being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore no minister of the Gospel, or priest of any denomination whatever, shall be eligible to the legislature.

SEC. 28. Elections for senators and representatives shall be general throughout the state, and shall be regulated by law.

SEC. 29. The legislature shall, at their first meeting, and in the year one thousand eight hundred and forty-eight, and fifty, and every eight years thereafter, cause an enumeration to be made of all the free inhabitants (Indians not taxed, Africans and descendants of Africans, excepted) of the state, designating particularly the number of qualified electors; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties, cities, or towns, according to the number of free population in each; and shall not be less than forty-five, nor more than ninety.

SEC. 30. Until after the first enumeration and apportionment under this constitution, the following shall be the apportionment of representatives amongst the several counties, viz.:

The county of Montgomery shall elect four representatives; the counties of Red River, Harrison, Nacogdoches, Harris, and Washington, shall elect three representatives each; the counties of Fannin, Lamar, Bowie, Shelby, San Augustine, Rusk, Hous-

ton, Sabine, Liberty, Robertson, Galveston, Brazoria, Fayette, Colorado, Austin, Gonzales, and Bexar, two representatives each; the counties of Jefferson, Jasper, Brazos, Milam, Bastrop, Travis, Matagorda, Jackson, Fort Bend, Victoria, Refugio, Goliad, and San Patrichio, one representative each.

SEC. 31. The whole number of senators shall, at the next session after the several periods of making the enumeration, be fixed by the legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen, nor more than thirty-three.

SEC. 32. Until the first enumeration, as provided for by this constitution, the senatorial districts shall be as follows, to wit: The counties of Fannin and Lamar shall constitute the first district, and elect one senator; the counties of Red River and Bowie, the second district, and elect one senator; the counties of Fannin, Lamar, Red River, and Bowie, conjointly, shall elect one senator; the county of Harrison, the third district, shall elect one senator; the counties of Nacogdoches, Rusk, and Houston, the fourth district, shall elect two senators; the counties of San Augustine and Shelby, the fifth district, shall elect one senator; the counties of Sabine and Jasper, the sixth district, shall elect one senator; the counties of Liberty and Jefferson, the seventh district, shall elect one senator; the counties of Robertson and Brazos, the eighth district, shall elect one senator; the county of Montgomery, the ninth district, shall elect one senator; the county of Harris, the tenth district, shall elect one senator; the county of Galveston, the eleventh district, shall elect one senator; the counties of Brazoria and Matagorda, the twelfth district, shall elect one senator; the counties of Austin and Fort Bend, the thirteenth district, shall elect one senator; the counties of Colorado and Fayette, the fourteenth district, shall elect one senator; the counties of Bastrop and Travis, the fifteenth district, shall elect one senator; the counties of Washington and Milam, the sixteenth district, shall elect one senator; the counties of Victoria, Gonzales, and Jackson, the seventeenth district, shall elect one senator; the county of Bexar, the eighteenth district, shall elect one senator; and the

counties of Goliad, Refugio, and San Patricio, the nineteenth district, shall elect one senator.

SEC. 33. The first session of the legislature, after the adoption of the constitution by the Congress of the United States, shall be held at the city of Austin, the present seat of government, and thereafter, until the year one thousand eight hundred and fifty; after which period, the seat of government shall be permanently located by the people.

SEC. 34. The members of the legislature shall at their first session receive from the treasury of the state, as their compensation, three dollars for each day they shall be in attendance on, and three dollars for every twenty-five miles travelling to and from the place of convening the legislature.

SEC. 35. In order to settle permanently the seat of government, an election shall be holden throughout the state, at the usual places of holding elections, on the first Monday in March, one thousand eight hundred and fifty—which shall be conducted according to law—at which time the people shall vote for such place as they may see proper for the seat of government. The returns of said election to be transmitted to the governor by the first Monday in June: if either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government until the year one thousand eight hundred and seventy, unless the state shall sooner be divided. But in case neither place voted for shall have the majority of the whole number of votes given in, then the governor shall issue his proclamation for an election to be holden in the same manner, on the first Monday in October, one thousand eight hundred and fifty, between the two places having the highest number of votes at the first election. The election shall be conducted in the same manner as at the first, and the returns made to the governor; and the place having the highest number of votes shall be the seat of government for the time herein provided.

ARTICLE FOURTH.

Judicial Department.

SECTION 1. The judicial power of this state shall be vested in one supreme court, in district courts, and in such inferior courts

as the legislature may from time to time ordain and establish; and such jurisdiction may be vested in corporation courts as may be deemed necessary, and be directed by law.

SEC. 2. The supreme court shall consist of a chief justice and two associates, any two of whom shall form a quorum.

SEC. 3. The supreme court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the state; but, in criminal cases, and in appeals from interlocutory judgments, with such exceptions and under such regulations as the legislature shall make; and the supreme court and judges thereof shall have power to issue the writ of *habeas corpus*, and, under such regulations as may be prescribed by law, may issue writs of *mandamus*, and such other writs as shall be necessary to enforce its own jurisdiction; and also compel a judge of the district court to proceed to trial and judgment in a cause; and the supreme court shall hold its sessions once every year, between the months of October and June, inclusive, at not more than three places in the state.

SEC. 4. The supreme court shall appoint its own clerks, who shall hold their offices for four years, and be subject to removal by the said court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

SEC. 5. The governor shall nominate, and, by and with the advice and consent of two-thirds of the senate, shall appoint the judges of the supreme and district courts, and they shall hold their offices for six years.

SEC. 6. The state shall be divided into convenient judicial districts. For each district there shall be appointed a judge, who shall reside in the same, and hold the courts at one place in each county, and at least twice in each year, in such manner as may be prescribed by law.

SEC. 7. The judges of the supreme court shall receive a salary not less than two thousand dollars annually, and the judges of the district court a salary not less than seventeen hundred and fifty dollars annually; and the salaries of the judges shall not be increased or diminished during their continuance in office.

SEC. 8. The judges of the supreme and district courts shall be removed by the governor, on the address of two-thirds of each

house of the legislature, for wilful neglect of duty, or other reasonable cause which shall not be sufficient ground for impeachment: provided, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each house: and provided, further, that the cause or causes shall be notified to the judge so intended to be removed; and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass; and, in all such cases, the vote shall be taken by yeas and nays, and entered on the journals of each house respectively.

SEC. 9. All judges of the supreme and district courts shall, by virtue of their offices, be conservators of the peace throughout the state. The style of all writs and processes shall be "the State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude "against the peace and dignity of the State."

SEC. 10. The district court shall have original jurisdiction of all criminal cases, of all suits in behalf of the state to recover penalties, forfeitures, and escheats, and of all cases of divorce, and of all suits, complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to, one hundred dollars, exclusive of interest; and the said courts, or the judges thereof, shall have power to issue all writs necessary to enforce their own jurisdiction, and give them a general superintendence and control over inferior jurisdictions.

And in the trial of all criminal cases, the jury trying the same shall fine and assess the amount of punishment to be inflicted, or fine imposed, except in capital cases, and where the punishment or fine imposed shall be specifically imposed by law.

SEC. 11. There shall be a clerk of the district court for each county, who shall be elected by the qualified voters for members of the legislature, and who shall hold his office for four years, subject to removal by information, or by presentment of a grand jury, and conviction of a petit jury. In case of vacancy, the judge of the district shall have the power to appoint a clerk until a regular election can be held.

SEC. 12. The governor shall nominate, and, by and with the

advice and consent of two-thirds of the senate, appoint an attorney-general, who shall hold his office for two years; and there shall be elected, by joint vote of both houses of the legislature, a district-attorney for each district, who shall hold his office for two years; and the duties, salaries, and perquisites of the attorney-general and district-attorneys, shall be prescribed by law.

SEC. 13. There shall be appointed for each county a convenient number of justices of the peace, one sheriff, one coroner, and a sufficient number of constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as the legislature may direct. Justices of the peace, sheriff, and coroner, shall be commissioned by the governor. The sheriff shall not be eligible more than four years in every six.

SEC. 14. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When the supreme court, or any two of its members, shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the governor of the state, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said case or cases. When the judges of the district court are thus disqualified, the parties may, by consent, appoint a proper person to try the said case; and the judges of the said courts may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualifications of judges of inferior tribunals shall be remedied as may hereafter be by law prescribed.

SEC. 15. Inferior tribunals shall be established in each county for appointing guardians; granting letters testamentary and of administration; for settling the accounts of executors, administrators, and guardians, and for the transaction of business appertaining to estates; and the district courts shall have original and appellate jurisdiction and general control over the said inferior

tribunals, and original jurisdiction and control over executors, administrators, guardians, and minors, under such regulation as may be prescribed by law.

SEC. 16. In the trial of all causes in equity in the district court, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law.

SEC. 17. Justices of the peace shall have such civil and criminal jurisdiction as shall be provided for by law.

SEC. 18. In all causes arising out of a contract, before any inferior judicial tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

SEC. 19. In all cases where justices of the peace or other judicial officers of inferior tribunals shall have jurisdiction in the trial of causes where the penalty for the violation of a law is fine, or imprisonment (except in cases of contempt), the accused shall have the right of trial by jury.

ARTICLE FIFTH.

Executive Department.

SEC. 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Texas.

SEC. 2. The governor shall be elected by the qualified electors of the state, at the time and places of elections for members of the legislature.

SEC. 3. The returns of every election for governor, until otherwise provided by law, shall be made out, sealed up, and transmitted to the seat of government, and directed to the speaker of the house of representatives, who shall, during the first week of the session of the legislature thereafter, open and publish them in the presence of both houses of the legislature; the person having the highest number of votes, and being constitutionally eligible, shall be declared by the speaker, under the direction of the legislature, to be governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be im-

mediately chosen governor by joint vote of both houses of the legislature. Contested elections for governor shall be determined by both houses of the legislature.

SEC. 4. The governor shall hold his office for the term of two years from the regular time of installation, and until his successor shall be duly qualified, but shall not be eligible for more than four years in any term of six years; he shall be at least thirty years of age, shall be a citizen of the United States, or a citizen of the state of Texas, at the time of the adoption of this constitution, and shall have resided in the same three years immediately preceding his election.

SEC. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected. The first governor shall receive an annual salary of two thousand dollars, and no more.

SEC. 6. The governor shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

SEC. 7. He may require information, in writing, from the officers of the executive department, on any subject relating to the duties of their respective offices.

SEC. 8. He may, by proclamation, on extraordinary occasions, convene the legislature at the seat of government, or at a different place, if that should be in the actual possession of a public enemy; in case of disagreement between the two houses with respect to the adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next regular meeting of the legislature.

SEC. 9. He shall, from time to time, give to the legislature information, in writing, of the state of the government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except in those of treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and, under such rules as the legislature

may prescribe, he shall have power to remit fines and forfeitures. In cases of treason, he shall have power, by and with the advice and consent of the senate, to grant reprieves and pardons; and he may, in the recess of the senate, respite the sentence until the end of the next session of the legislature.

SEC. 12. There shall also be a lieutenant-governor, who shall be chosen at every election for governor by the same persons, and in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant-governor, the electors shall distinguish for whom they vote as governor, and for whom as lieutenant-governor. The lieutenant-governor shall, by virtue of his office, be president of the senate, and have, when in committee of the whole, a right to debate and vote on all questions, and, when the senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the governor to serve, or of his impeachment or absence from the state, the lieutenant-governor shall exercise the powers and authority appertaining to the office of governor, until another be chosen at the periodical election for governor, and be duly qualified, or until the governor, impeached, absent, or disabled, shall be acquitted, return, or his disability be removed.

SEC. 13. Whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as president of the senate, the senate shall elect one of their own members as president for the time being. And if, during the vacancy of the office of governor, the lieutenant-governor shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or absent from the state, the president of the senate for the time being shall, in like manner, administer the government until he shall be superseded by a governor or lieutenant-governor; the lieutenant-governor shall, whilst he acts as president of the senate, receive for his services the same compensation which shall be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, shall receive the same compensation which the governor would have received had he been employed in the duties of his office, and no more. The president

for the time being of the senate shall, during the time he administers the government, receive in like manner the same compensation which the governor would have received had he been employed in the duties of his office. If the lieutenant-governor shall be required to administer the government, and shall, whilst in such administration, die, resign, or be absent from the state, during the recess of the legislature, it shall be the duty of the secretary of state to convene the senate for the purpose of choosing a president for the time being.

SEC. 14. There shall be a seal of the state, which shall be kept by the governor and used by him officially. The said seal shall be a star of five points encircled by an olive and live-oak branches, and the words "the State of Texas."

SEC. 15. All commissions shall be in the name and by the authority of the state of Texas, be sealed with the state seal, signed by the governor, and attested by the secretary of state.

SEC. 16. There shall be a secretary of state, who shall be appointed by the governor, by and with the advice and consent of the senate, and shall continue in office during the term of service of the governor elect. He shall keep a fair register of all official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before the legislature, or either house thereof: and shall perform such other duties as may be required of him by law.

SEC. 17. Every bill which shall have passed both houses of the legislature shall be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; if, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered; if approved by two-thirds of the members present of that house, it shall become a law; but, in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journals of each house respectively. If any bill

shall not be returned by the governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it. Every bill presented to the governor one day previous to the adjournment of the legislature, and not returned to the house in which it originated, before its adjournment, shall become a law, and have the same force and effect as if signed by the governor.

SEC. 18. Every order, resolution, or vote, to which the concurrence of both houses of the legislature may be necessary, except on questions of adjournment, shall be presented to the governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses according to the rules and limitations prescribed in the case of a bill.

SEC. 19. The governor, by and with the advice and consent of two-thirds of the senate, shall appoint a convenient number of notaries public—not exceeding six for each county—who, in addition to such duties as are prescribed by law, shall discharge such other duties as the legislature may, from time to time, prescribe.

SEC. 20. Nominations to fill vacancies that may have occurred during the recess shall be made to the senate during the first ten days of its session. And should any nomination so made be rejected, the same individual shall not again be nominated during the session to fill the same office. And should the governor fail to make nominations to fill any vacancy during the session of the senate, such vacancy shall not be filled by the governor until the next meeting of the senate.

SEC. 21. The governor shall reside, during the session of the legislature, at the place where their sessions may be held, and, at all other times, wherever, in their opinion, the public good may require.

SEC. 22. No person holding the office of governor shall hold any other office or commission, civil or military.

SEC. 23. A state treasurer and comptroller of public accounts shall be biennially elected by the joint ballot of both houses of the legislature, and, in case of vacancy in either of said offices during the recess of the legislature, such vacancy shall be filled

by the governor, which appointment shall continue until the close of the next session of the legislature thereafter.

ARTICLE SIXTH.

Militia.

SEC. 1. The legislature shall provide by law for organizing and disciplining the militia of this state, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

SEC. 2. Any person who conscientiously scruples to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 3. No licensed minister of the Gospel shall be required to perform military duty, work on roads, or serve on juries, in this state.

SEC. 4. The governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections, and to repel invasions.

ARTICLE SEVENTH.

General Provisions.

SEC. 1. Members of the legislature, and all officers, before they enter upon the duties of their office, shall take the following oath or affirmation: "I (A. B) do solemly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——— according to the best of my skill and ability, agreeably to the constitution and laws of the United States, and of this state; and I do further solemnly swear (or affirm), that, since the adoption of this constitution by the Congress of the United States, I, being a citizen of this state, have not fought a duel with deadly weapons within this state, or out of it; nor have I sent or accepted a challenge to fight a duel with deadly weapons; nor have I acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending: so help me God."

SEC. 2. Treason against this state shall consist only in levying

war against it, or in adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 3. Every person shall be disqualified from holding any office of trust or profit in this state, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 4. Laws shall be made, to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practice.

SEC. 5. Any citizen of this state, who shall, after the adoption of this constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the state or out of it, or who shall act as second, or knowingly aid and assist, in any manner, those thus offending, shall be deprived of holding any office of trust or profit under this state.

SEC. 6. In all elections by the people, the vote shall be by ballot, until the legislature shall otherwise direct; and in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *vivâ voce*, except in the election of their officers.

SEC. 7. The legislature shall provide by law for the compensation of all officers, servants, agents, and public contractors not provided for by this constitution; and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the treasury of the state, to any individual, on a claim, real or pretended, where the same shall not have been provided for by pre-existing law: *provided*, that nothing in this section shall be so

construed as to affect the claims of persons against the republic of Texas, heretofore existing.

SEC. 8. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal improvement, shall be made without the concurrence of two-thirds of both houses of the legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law. And in no case shall the legislature have the power to issue treasury warrants, treasury notes, or paper of any description, intended to circulate as money.

SEC. 9. All civil officers shall reside within the state; and all district or county officers, within their districts or counties; and shall keep their offices at such places therein, as may be required by law.

SEC. 10. The duration of all offices not fixed by this constitution, shall never exceed four years.

SEC. 11. Absence on the business of this state, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this constitution.

SEC. 12. The legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

SEC. 13. No member of congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the legislature, or hold or exercise any office of profit or trust under this state.

SEC. 14. The legislature shall provide for a change of venue in civil and criminal cases; and for the erection of a penitentiary at as early a day as practicable.

SEC. 15. It shall be the duty of the legislature to pass such

laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 16. Within five years after the adoption of this constitution, the laws, civil and criminal, shall be revised, digested, arranged, and published in such manner as the legislature shall direct; and a like revision, digest, and publication, shall be made every ten years thereafter.

SEC. 17. No lottery shall be authorized by this state; and the buying or selling of lottery tickets within this state is prohibited.

SEC. 18. No divorce shall be granted by the legislature.

SEC. 19. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 20. The rights of property and of action which have been acquired under the constitution and laws of the republic of Texas, shall not be divested; nor shall any rights or actions which have been divested, barred, or declared null and void by the constitution and laws of the republic of Texas, be re-invested, revived, or reinstated by this constitution; but the same shall remain precisely in the situation in which they were before the adoption of this constitution.

SEC. 21. All claims, locations, surveys, grants, and titles to land, which are declared null and void by the constitution of the republic of Texas, are, and the same shall remain for ever, null and void.

SEC. 22. The legislature shall have power to protect by law, from forced sale, a certain portion of the property of all heads of families. The homestead of a family, not to exceed two hundred acres of land (not included in a town or city), or any town or city lot or lots, in value not to exceed two thousand dollars, shall not be subject to forced sale for any debts hereafter contracted; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, in such manner as the legislature may hereafter point out.

SEC. 23. The legislature shall provide in what cases officers shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 24. Every law enacted by the legislature shall embrace but one object, and that shall be expressed in the title.

SEC. 25. No law shall be revised or amended by reference to its title; but, in such case, the act revised, or section amended, shall be re-enacted and published at length.

SEC. 26. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace.

SEC. 27. Taxation shall be equal and uniform throughout the state. All property in this state shall be taxed in proportion to its value, to be ascertained as directed by law; except such property as two-thirds of both houses of the legislature may think proper to exempt from taxation. The legislature shall have power to lay an income tax, and to tax all persons pursuing any occupation, trade, or profession: *provided*, that the term, "occupation," shall not be construed to apply to pursuits either agricultural or mechanical.

SEC. 28. The legislature shall have power to provide by law for exempting from taxation two hundred and fifty dollars' worth of the household furniture, or other property belonging to each family in this state.

SEC. 29. The assessor and collector of taxes shall be appointed in such manner, and under such regulations, as the legislature may direct.

SEC. 30. No corporate body shall hereafter be created, renewed, or extended, with banking or discounting privileges.

SEC. 31. No private corporation shall be created, unless the bill creating it shall be passed by two-thirds of both houses of the legislature; and two-thirds of the legislature shall have power to revoke and repeal all private corporations, by making compensation for the franchise. And the state shall not be part owner of the stock or property belonging to any corporation.

SEC. 32. The legislature shall prohibit, by law, individuals from issuing bills, checks, promissory notes, or other paper, to circulate as money.

SEC. 33. The aggregate amount of debts hereafter contracted by the legislature shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasions, or suppress insurrections. And in no case shall any amount be borrowed, except by a vote of two-thirds of both houses of the legislature.

SEC. 34. The legislature shall, at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties: *provided*, that no new county shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles (except the county of Bowie), unless by consent of two-thirds of the legislature; nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled, by numbers, to the right of separate representation.

SEC. 35. No soldier shall, in time of peace, be quartered in the house, or within the enclosure, of any individual, without the consent of the owner, nor in time of war, but in a manner prescribed by law.

SEC. 36. The salaries of the governor and judges of the supreme and district courts are hereby fixed at the minimum established in the constitution, and shall not be increased for ten years.

SEC. 37. *Mode of amending the Constitution.*—The legislature, whenever two-thirds of each house shall deem it necessary, may propose amendments to this constitution; which proposed amendments shall be duly published in the public prints of the state, at least three months before the next general election of representatives, for the consideration of the people; and it shall be the duty of the several returning officers, at the next election, which shall be thus holden, to open a poll for, and make a return to, the secretary of state, of the names of all those voting for representatives, who have voted on such proposed amendments; and if thereupon it shall appear that a majority of all the citizens of this state, voting for representatives, have voted in favor of

such proposed amendments, and two-thirds of each house of the next legislature shall, after such election, and before another, ratify the same amendments by yeas and nays, they shall be valid, to all intents and purposes, as parts of this constitution: *provided*, that the said proposed amendments shall, at each of the said sessions, have been read on three several days in each house.

ARTICLE EIGHTH.

Slaves.

SEC. 1. The legislature shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, nor without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state: *provided*, that such slave be the *bonâ fide* property of such emigrants: *provided, also*, that laws shall be passed to inhibit the introduction into this state of slaves who have committed high crimes in other states or territories. They shall have the right to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors; and preventing them from becoming a public charge. They shall have full power to pass laws which will oblige the owners of slaves to treat them with humanity; to provide for them necessary food and clothing; to abstain from all injuries to them extending to life or limb; and, in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves taken from such owner, and sold for the benefit of such owner or owners. They may pass laws to prevent slaves from being brought into this state as merchandise only.

SEC. 2. In the prosecution of slaves for crimes of a higher grade than petit larceny, the legislature shall have no power to deprive them of an impartial trial by a petit jury.

SEC. 3. Any person who shall maliciously dismember, or de-

prive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed upon a free white person, and on like proof, except in case of insurrection of such slave.

ARTICLE NINTH.

Impeachment.

SEC. 1. The power of impeachment shall be vested in the house of representatives.

SEC. 2. Impeachments of the governor, lieutenant-governor, attorney-general, secretary of state, treasurer, comptroller, and of the judges of the district courts, shall be tried by the senate.

SEC. 3. Impeachments of judges of the supreme court shall be tried by the senate. When sitting as a court of impeachment, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the senators present.

SEC. 4. Judgment in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this state; but the parties convicted shall, nevertheless, be subject to indictment, trial, and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office during the pendency of such impeachment; the appointing power may make a provisional appointment, to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 6. The legislature shall provide for the trial, punishment, and removal from office, of all other officers of the state, by indictment or otherwise.

ARTICLE TENTH.

Education.

SEC. 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the

duty of the legislature of this state to make suitable provision for the support and maintenance of public schools.

SEC. 2. The legislature shall, as early as practicable, establish free schools throughout the state, and shall furnish means for their support, by taxation on property; and it shall be the duty of the legislature to set apart not less than one-tenth of the annual revenue of the state derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools; and no law shall ever be made diverting said fund to any other use; and until such time as the legislature shall provide for the establishment of such schools in the several districts of the state, the fund thus created shall remain as a charge against the state, passed to the credit of the free common-school fund.

SEC. 3. All public lands which have been heretofore, or which may hereafter be, granted for public schools, to the various counties, or other political divisions in this state, shall not be alienated in fee, nor disposed of otherwise than by lease, for a term not exceeding twenty years, in such manner as the legislature may direct.

SEC. 4. The several counties in this state, which have not received their quantum of lands, for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the republic of Texas to other counties.

ARTICLE ELEVENTH.

SEC. 1. All certificates for head-right claims to lands issued to fictitious persons, or which were forged, and all locations and surveys thereon, are, and the same were, null and void from the beginning.

SEC. 2. The district courts shall be opened until the first day of July, one thousand eight hundred and forty-seven, for the establishment of certificates for head-rights not recommended by the commissioners appointed under the act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants; and the parties suing shall produce the like proof, and be subjected to the requisitions which were necessary and were prescribed by law, to sustain the original application for the said certificates; and all certificates above referred to, not established or sued upon

before the period limited, shall be barred; and the said certificates, and all locations and surveys thereon, shall be for ever null and void; and all re-locations made on such survey, shall not be disturbed until the certificates are established as above directed.

ARTICLE TWELFTH.

Land Office.

SEC. 1. There shall be one general land office in the state, which shall be at the seat of government, where all titles which have heretofore emanated, or may hereafter emanate, from government, shall be registered. And the legislature may establish, from time to time, such subordinate offices as they may deem requisite.

ARTICLE THIRTEENTH.

Schedule.

SEC. 1. That no inconvenience may arise from a change of separate national government to a state government, it is declared that all processes which shall be issued in the name of the republic of Texas, prior to the organization of the state government, under this constitution, shall be as valid as if issued in the name of the state of Texas.

SEC. 2. The validity of all bonds and recognizances, executed in conformity with the constitution and laws of the republic of Texas, shall not be impaired by the change of government, but may be sued for, and recovered in the name of the governor of the state of Texas; and all criminal prosecutions, or penal actions, which shall have arisen prior to the organization of the state government under this constitution, in any of the courts of the republic of Texas, shall be prosecuted to judgment and execution, in the name of said state. All suits at law and equity, which may be depending in any of the courts of the republic of Texas prior to the organization of the state government under this constitution, shall be transferred to the proper court of the state, which shall have jurisdiction of the subject matter thereof.

SEC. 3. All laws and parts of laws now in force in the repub-

lic of Texas, which are not repugnant to the constitution of the United States, the joint resolutions for annexing Texas to the United States, or to the provisions of this constitution, shall continue and remain in force as the laws of this state, until they expire by their own limitation, or shall be altered or repealed by the legislature thereof.

SEC. 4. All fines, penalties, forfeitures, and escheats, which have accrued to the republic of Texas, under the constitution and laws, shall accrue to the state of Texas; and the legislature shall, by law, provide a method for determining what lands may have been forfeited or escheated.

SEC. 5. Immediately after the adjournment of this convention, the president of the republic shall issue his proclamation, directing the chief justices of the several counties of this republic, and the several chief justices and their associates are hereby required to cause polls to be opened in their respective counties, at the established precincts, on the second Monday of October next, for the purpose of taking the sense of the people of Texas in regard to the adoption or rejection of this constitution; and the votes of all persons entitled to vote under the existing laws, or this constitution, shall be received. Each voter shall express his opinion by declaring, by a "*vivâ voce*" vote, for "the constitution accepted," or "the constitution rejected;" or some words clearly expressing the intention of the voter; and at the same time the vote shall be taken in like manner for and against annexation. The election shall be conducted in conformity with the existing laws regulating elections; and the chief justices of the several counties shall carefully and promptly make duplicate returns of said polls, one of which shall be transmitted to the secretary of state of the republic of Texas, and the other deposited in the clerk's office of the county court.

SEC. 6. Upon the receipt of the said returns, or on the second Monday of November next, if the returns be not sooner made, it shall be the duty of the president, in presence of such officers of his cabinet as may be present, and of all persons who may choose to attend, to compare the votes given for the ratification or rejection of this constitution; and if it shall appear from the returns that a majority of all the votes given is for the adoption of the

constitution, then it shall be the duty of the president to make proclamation of this fact, and thenceforth this constitution shall be ordained and established as the constitution of the state, to go into operation and be of force and effect from and after the organization of the state government under this constitution; and the president of this republic is authorized and required to transmit to the president of the United States duplicate copies of this constitution, properly authenticated, together with certified statements of the number of votes given for the ratification thereof, and the number for rejection; one of which copies shall be transmitted by mail, and one copy by a special messenger, in sufficient time to reach the seat of government of the United States early in December next.

SEC. 7. Should this constitution be accepted by the people of Texas, it shall be the duty of the president, on or before the second Monday in November next, to issue his proclamation, directing and requiring elections to be holden in all the counties of this republic on the third Monday in December next, for the offices of governor, lieutenant-governor, and members of the senate and house of representatives of the state legislature, in accordance with the apportionment of representation directed by this constitution. The returns for members of the legislature of this state shall be made to the department of state of this republic; and those for governor and lieutenant-governor shall be addressed to the speaker of the house of representatives, endorsed "Election returns of —— county, for governor," and directed to the department of state; and should, from any cause whatever, the chief justices of counties fail to cause to be holden any of the polls or elections provided by this constitution, at the times and places herein directed, the people of the precinct where such failure exists are hereby authorized to choose managers, judges, and other officers, to conduct said elections.

SEC. 8. Immediately on the president of this republic receiving official information of the acceptance of this constitution by the congress of the United States, he shall issue his proclamation convening, at an early day, the legislature of the state of Texas, at the seat of government established under this constitution; and after the said legislature shall have organized, the speaker of the

house of representatives shall, in presence of both branches of the legislature, open the returns of the elections for governor and lieutenant-governor, count and compare the votes, and declare the names of the persons who shall be elected to the offices of governor and lieutenant-governor, who shall forthwith be installed in their respective offices; and the legislature shall proceed, as early as practicable, to elect senators to represent this state in the senate of the United States; and also provide for the election of representatives to the congress of the United States. The legislature shall also adopt such measures as may be required to cede to the United States, at the proper time, all public edifices, fortifications, barracks, ports, harbors, navy and navy yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defence, now belonging to the republic of Texas; and to make the necessary preparations for transferring to the said United States all custom-houses and other places for the collection of impost duties and other foreign revenues.

SEC. 9. It shall be the duty of the president of Texas, immediately after the inauguration of the governor, to deliver to him all the records, public money, documents, archives, and public property of every description whatsoever, under the control of the executive branch of the government; and the governor shall dispose of the same in such manner as the legislature may direct.

SEC. 10. That no inconvenience may result from the change of government, it is declared that the laws of this republic, relative to the duties of officers, both civil and military, of the same, shall remain in full force; and the duties of their several offices shall be performed in conformity with the existing laws, until the organization of the government of the state under this constitution, or until the first day of the meeting of the legislature; that then, the offices of president, vice-president, of the president's cabinet, foreign ministers, chargés, and agents, and others repugnant to this constitution, shall be superseded by the same; and that all others shall be holden and exercised until they expire by their own limitation, or be superseded by the authority of this constitution, or laws made in pursuance thereof.

SEC. 11. In case of any disability on the part of the president of the republic of Texas to act as herein required, it shall be the duty of the secretary of state of the republic of Texas, and, in case of disability on the part of the secretary of state, then it shall be the duty of the attorney-general of the republic of Texas to perform the duties assigned to the president.

SEC. 12. The first general election for governor, lieutenant-governor, and members of the legislature, after the organization of the government, shall take place on the first Monday in November, one thousand eight hundred and forty-seven, and shall be held biennially thereafter, on the first Monday in November, until otherwise provided by the legislature; and the governor and lieutenant-governor elected in December next, shall hold their offices until the installation in office of the governor and lieutenant-governor to be elected in the year one thousand eight hundred and forty-seven.

SEC. 13. The ordinance passed by the convention on the fourth day of July, assenting to the overtures for the annexation of Texas to the United States, shall be attached to this constitution, and form part of the same.

Done in convention, by the deputies of the people of Texas, at Austin, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and forty-five.

In testimony whereof, we have hereunto subscribed our names.

THO. J. RUSK, President.

Attest:

JAS. H. RAYMOND,
Secretary of the Convention.

ORDINANCE

ADOPTED BY THE

CONVENTION OF TEXAS,

JULY 4, 1845.

WHEREAS the Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States, on the first day of March, one thousand eight hundred and forty-five; *and whereas* the President of the United States has submitted to Texas the first and second sections of the said resolution, as the basis upon which Texas may be admitted as one of the states of the said Union: *and whereas* the existing government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows:

"JOINT RESOLUTION for annexing Texas to the United States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That congress doth consent that the territory properly included within, and rightly belonging to, the Republic of Texas, may be erected into a new state, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the states of the Union.

"2d. *And be it further resolved*, That the foregoing consent of congress is given upon the following conditions, and with the following guaranties, to wit:

"I. Said state to be formed, subject to the adjustment by this government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before congress, for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

"II. Said state, when admitted into this Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, and armaments, and all other property and means pertaining to the public defence belonging to the said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to, or be due and owing to the said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said state may direct; but in no event are said debts and liabilities to become a charge upon the government of the United States.

"III. New states of convenient size, not exceeding four in number, in addition to said state of Texas, and having sufficient population, may hereafter, by the consent of said state, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal constitution. And such states as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each state asking admission may desire. And in such state or states as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Now in order to manifest the assent of the people of this republic as required in the above-recited portions of the resolutions:

We, the deputies of the people of Texas in convention assembled, in their name and by their authority, do ordain and declare that we assent to and accept the proposals, conditions, and guaranties contained in the first and second section of the resolution of the congress of the United States aforesaid.

THOS. J. RUSK, *President.*

Attest: JAS. H. RAYMOND,
Secretary of the Convention.

City of Austin, Republic of Texas, July 5th, 1845.

CONSTITUTION OF THE STATE OF M

MADE IN CONVENTION, AT THE CITY OF JE

A. D. 1845.

WE, the people of the state of Missouri, b
Convention assembled, do ordain and est
CONSTITUTION:—

ARTICLE I.

Of *Boundaries.*

SEC. 1. We do declare, establish, rati
lowing as the permanent boundaries of
"Beginning in the middle of the Missis
of thirty-six degrees of north latitude;
parallel of latitude to the St. François
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thirty minutes; thence west along th
said parallel is intersected by a mer
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into the Missouri river; thence fro
along the said meridian line, to the
the Missouri river; thence up and
stream, in the middle of the main c
tion of the parallel of latitude whic
the river Des Moines; thence east
last aforesaid, along the said parall
the main channel of the main fork
thence down along the middle of t

CONSTITUTION OF THE STATE OF MISSOURI.

MADE IN CONVENTION, AT THE CITY OF JEFFERSON,
A. D. 1845.

WE, the people of the state of Missouri, by our delegates in Convention assembled, do ordain and establish the following CONSTITUTION:—

ARTICLE I.

Of Boundaries.

SEC. I. We do declare, establish, ratify and confirm the following as the permanent boundaries of the state of Missouri: "Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence west along the said parallel of latitude to the St. François river; thence up and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence from the point aforesaid, north along the said meridian line, to the middle of the main channel of the Missouri river; thence up and following the course of said stream, in the middle of the main channel thereof, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines; thence east from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the main channel of the main fork of the said river Des Moines; thence down along the middle of the main channel of the said

river Des Moines, to the mouth of the same where it empties into the Mississippi river; thence due east to the middle of the main channel of the Mississippi river; thence down and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning."

SEC. II. The general assembly shall have power to appoint commissioners, to act in conjunction with commissioners from any other state, to adjust the eastern boundary of the state, and to determine what islands in the Mississippi river are within the limits of the state of Missouri.

SEC. III. The general assembly have power, with the consent of the United States, to acquire additional territory, and to extend the boundary of this state so as to include such additional territory as may hereafter be acquired by the state.

SEC. IV. All that territory of the state of Missouri which is bounded on the east by the middle of the main channel of the Mississippi river, on the north by the line that separates townships forty-four and forty-five, on the west by a meridian line running through the middle of range six east, and on the south by the line that separates townships forty-three and forty-four north, is hereby ceded to the government of the United States, for the purpose of locating and keeping thereon the seat of government of the United States, in conformity to the sixteenth clause of the eighth section of the first article of the constitution of the United States. This section shall not take effect until the Congress of the United States shall have assented to the same, and provided for the removal of the seat of government of the United States to the district hereby ceded to the United States.

ARTICLE II.

Of the Distribution of Powers.

The powers of government shall be divided into three distinct departments, each of which shall be confined to a separate magistracy; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

Of the Legislative Power.

SEC. I. The legislative power shall be vested in a "general assembly," which shall consist of a senate and house of representatives.

SEC. II. The house of representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties, apportioned in the following manner, to-wit: The ratio of representation shall be ascertained at each apportioning session of the legislature, by dividing the whole number of permanent free white inhabitants of the state by the number one hundred. Each county having three-fifths of said ratio shall be entitled to one representative; each county having said ratio and a fraction over, equal to two-thirds, shall be entitled to two representatives; each county having twice said ratio, and a fraction over, equal to two-thirds, shall be entitled to three representatives; each county having four times said ratio shall be entitled to four representatives; and so on above that number, giving one additional member for each additional ratio. And when any county, entitled to more than two representatives, shall have a town or city therein, with the full amount of said ratio, such town or city shall be entitled to a separate representation from the county: *provided* the residue of the county shall amount to the ratio: and in such case, a town or city shall be divided into as many separate districts as the number of members apportioned to such town or city, containing as near as may be an equal number of permanent free white inhabitants, which division shall be made by the tribunal transacting county business in the county, as soon after each apportionment as is practicable, and shall not be changed until after the succeeding apportionment; each of which districts shall elect one representative: *provided*, however, that when any county having less than three-fifths of said ratio, shall not be contiguous to any other county with less than three-fifths thereof, such county shall nevertheless be entitled to one representative; and in all other cases of small counties having less than three-fifths, they shall be formed into districts, containing

two-thirds of said ratio, and shall be entitled to one member for the same.

SEC. III. No person shall be a member of the house of representatives who shall not have attained the age of twenty-four years, who shall not be a free white male citizen of the United States, who shall not have been an inhabitant of this state two years, and of the county or district which he represents one year next before his election, if such county or district shall have been so long established; but if not, then of the county or counties, district or districts, from which the same shall have been taken, and who shall not moreover have paid a state or county tax, within one year next preceding his election.

SEC. IV. The general assembly, at their first session after the adoption of this constitution, shall cause an enumeration of the permanent free white inhabitants of this state to be made, and at the first session after the enumeration shall apportion the number of representatives among the several counties as directed by the second section of this article. And every fourth year thereafter they shall cause a like enumeration to be made, and shall apportion the representatives among the several counties according to the same section, except that two-thirds of the ratio shall be required, instead of three-fifths, to entitle a county to one member.

SEC. V. The senators shall be chosen by the qualified electors for the term of four years. No person shall be a senator who shall not have attained to the age of thirty years, who shall not be a free white male citizen of the United States, who shall not have been an inhabitant of this state four years next preceding his election, and of the district which he may be chosen to represent one year next before his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken, and who shall not moreover have paid a state or county tax within one year next preceding his election.

SEC. VI. The senate shall consist of not less than twenty-five nor more than thirty-three members, for the election of whom the state shall be divided into convenient districts, which may be altered from time to time, and new districts established as public

convenience may require, and the senators shall be apportioned among the several districts according to the number of permanent free white inhabitants in each: *provided*, that when a senatorial district shall be composed of two or more counties, the counties of which such district consists, shall not be entirely separated by any county belonging to another district, nor shall said district, so composed of two or more counties, be entitled to more than one senator; and no county shall be divided in forming such a district, except a county whose population shall entitle it to two or more senators, in which case said county shall be divided by the tribunal transacting county business as soon after each apportionment as is practicable, into as many districts as it may be entitled to senators, which districts shall not be changed until after the succeeding apportionment, each of which districts shall contain as near as may be an equal number of permanent free white inhabitants, and elect one senator; and any person otherwise qualified who has lived in such senatorial district one month shall be entitled to vote in the same, and until he shall acquire the right to vote in such district, he shall be entitled to vote in the district from which he removed.

SEC. VII. At the first session of the general assembly, the senators shall be divided by lot, as equally as may be, into two classes. The seats of the first class shall be vacated at the end of the second year, and the seats of the second class at the end of the fourth year, so that one half of the senators shall be chosen every second year.

SEC. VIII. After the first day of January one thousand eight hundred and forty-eight, all general elections shall commence on the first Monday in August, and shall be held biennially, and the electors in all cases except of treason, felony or breach of peace, shall be privileged from arrest during their continuance at elections, and in going to and returning from the same.

SEC. IX. The governor shall issue writs of election to fill such vacancies as may occur in either house of the general assembly.

SEC. X. Every free white male citizen of the United States, who may have attained the age of twenty-one years, and who shall have resided in this state one year before an election, the last three months whereof shall have been in the county or dis-

trict in which he offers to vote, shall be deemed a qualified elector of all elective officers; where a county shall be districted, any person who is otherwise qualified and shall have resided in a representative district for one month, shall have a right to vote in such district; and until he acquires a right to vote in the district to which he has removed, he shall have the right to vote in the district from which he removed: *provided*, that no soldier, seaman, or mariner, in the regular army or navy of the United States, shall be entitled to vote at any election in this state. No person who has been convicted of any felonious or infamous crime in any foreign country, or any state of this Union, or who has become a fugitive from justice from such country or state, on account of the commission of such crime, shall be permitted to vote in this state. This disqualification shall not extend to any offence of a political nature, nor to any offence which would not be considered felonious or infamous in this state.

SEC. XI. No judge of any court of law or equity, secretary of state, attorney-general, state auditor, state or county treasurer, register or recorder, clerk of any court of record, sheriff, coroner, member of Congress, or other person holding any lucrative office under the United States or of this state, militia officers, justices of the peace and postmasters excepted, shall be eligible to either house of the general assembly.

SEC. XII. No person who now is, or hereafter may be, a collector or holder of public money, nor any assistant or deputy of such collector or holder of public money, shall be eligible to either house of the general assembly, nor to any office of profit or trust, unless he shall, prior to his election or appointment, have accounted for and paid all sums for which he may be accountable.

SEC. XIII. No person while he continues to exercise the functions of a bishop, priest, or clergyman or teacher of any religious persuasion, denomination, society, or sect whatever, shall be eligible to the office of governor, lieutenant-governor, or to either house of the general assembly, nor to the office of judge in any court of record.

SEC. XIV. The general assembly shall have power to exclude from every office of honor, trust or profit, within this state, and

from the right of suffrage, all persons convicted of bribery or other infamous crime.

SEC. XV. Every person who shall directly or indirectly give, or offer any bribe to procure his election or appointment to any office, or the election or appointment of any other person, shall, on conviction, be disqualified for an elector, and for any office of honor, profit or trust under this state.

SEC. XVI. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under this state, during said term, except such offices as shall be filled by elections by the people.

SEC. XVII. The general assembly shall have power to pass laws regulating proceedings in cases of contested elections of senators and representatives. Each house shall appoint its own officers, and shall judge of the qualifications, elections and returns of its own members. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

SEC. XVIII. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of all the members elected, expel any member, but no member shall be expelled a second time for the same cause. They shall each, from time to time, publish a journal of their proceedings, except such parts as may in their opinion require secresy; and the yeas and nays on any question shall be entered on the journal at the desire of any five members.

SEC. XIX. The doors of each house, and of committees of the whole, shall be kept open, except in cases which may require secresy, and each house may punish by fine or imprisonment, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence, during their session: *Provided*, that such fine shall not exceed three hundred dollars, and such imprisonment shall not exceed forty-eight hours for one offence.

SEC. XX. Neither house shall, without the consent of the other,

adjourn for more than two days at any one time, nor to any other place than to that in which the two houses may be sitting.

SEC. XXI. Bills may originate in either house, and may be altered, amended or rejected by the other, except bills for raising revenue, which shall originate only in the house of representatives: and every bill shall be read on three different days in each house, unless two-thirds of the house where the same is depending, shall dispense with this rule. And every bill having passed both houses, shall be signed by the speaker of the house of representatives, and by the president of the senate.

SEC. XXII. When any officer, civil or military, shall be appointed by a joint or concurrent vote of both houses, or by the separate vote of either house of the general assembly, the votes shall be publicly given *vivâ voce* and entered on the journals; the whole list of members shall be called, and the names of absentees shall be noted and published with the journals.

SEC. XXIII. The senators and representatives, in all cases, except of treason, felony or breach of the peace, shall be privileged from arrest, during the session of the general assembly, and for fifteen days next before the commencement and after the termination of each session, and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. XXIV. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which may from time to time be increased or diminished by law; but no alteration, increasing or tending to increase the compensation of members, shall take effect during the session at which such alteration shall be made; and no session shall continue longer than sixty days.

SEC. XXV. The general assembly shall direct by law, First, In what manner and in what courts suits may be brought against the state; Second, The cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacity, and the amount of such deductions.

SEC. XXVI. The general assembly shall have no power to pass laws, First, For the emancipation of slaves without the consent of their owners, and without paying them, before such emancipation, a full equivalent for such slaves so emancipated, and re-

moving such slaves so emancipated out of this state; Second, To prevent *bonâ fide* immigrants to this state, or actual settlers therein, from bringing from any of the United States or from their territories, such persons as may there be deemed to be slaves, so long as any persons of the same description are allowed to be held as slaves by the laws of this state.

Sec. XXVII. The general assembly shall have power to pass laws, First, To prohibit the introduction into this state of any slaves who may have committed any high crime in any other state or territory. Second, To prohibit the introduction of any slave for the purpose of speculation or as an article of trade or merchandize. Third, To prohibit the introduction into this state of any slave, or the offspring of any slave, who, heretofore, may have been, or who, hereafter, may be imported from any foreign country into the United States or any territory thereof, in contravention of any existing statute of the United States; and, Fourth, To permit the owners of slaves to emancipate them (saving the rights of creditors), where the persons so emancipating will give security that the slave so emancipated shall be forthwith removed out of the state.

Sec. XXVIII. It shall be the duty of the general assembly, as soon as may be, to pass such laws as may be necessary, First, To prevent free negroes and mulattoes from coming to and settling in this state, under any pretext whatever; *provided*, that nothing in this constitution shall be construed to conflict with the provisions of the first clause of the second section of the fourth article of the constitution of the United States. Second, To oblige the owners of slaves to treat them with humanity, and to abstain from all injuries to them, extending to life or limb.

Sec. XXIX. In prosecutions for felony and capital crimes, slaves shall not be deprived of an impartial trial by jury, and courts of justice before whom slaves shall be tried, shall assign them counsel for their defence.

Sec. XXX. Any person who shall maliciously deprive of life or dismember a slave, shall suffer such punishment as would be inflicted for the like offence if it were committed on a free white person.

Sec. XXXI. The general assembly shall have no power to pass

any law whereby any debt shall be created, that shall cause the entire indebtedness of the state, contracted under this constitution, to exceed at any one time, twenty-five thousand dollars, except in cases of war, insurrection or invasion. But the general assembly may propose by a vote of a majority of all the members elected to both branches thereof the creation of a debt for any specified purpose, which shall be submitted to the direct vote of the people at the next general election thereafter, and if approved by a majority of the qualified voters voting on such question, shall be of full force and effect; *provided*, that each proposition shall be for one object alone, and shall propose the ways and means, by taxation, for the payment of the debt and interest as they become due; *and provided further*, that no more than one proposition shall be submitted by any one session of the general assembly, and that the debt proposed shall not have a longer time to run than twenty years.

SEC. XXXII. The general assembly shall not have power to grant a divorce in any case.

SEC. XXXIII. The power to provide for the organization and government of the militia shall be vested in the general assembly.

SEC. XXXIV. No private or local bill, which may be passed by the general assembly, shall embrace more than one subject, and that shall be expressed in the title.

SEC. XXXV. The governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, and all judges of the courts of law and equity, shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust, or profit, under the state government.

SEC. XXXVI. The house of representatives shall have the sole power of impeachment. All impeachments shall be tried by the senate, and when sitting for that purpose the senators shall be on oath or affirmation to do justice according to law and evidence. When the governor shall be tried, the presiding judge of the supreme court shall preside, and no person shall be convicted without the concurrence of two-thirds of all the senators elected.

SEC. XXXVII. A state treasurer shall be biennially appointed by a joint vote of the two houses of the general assembly, who shall keep his office at the seat of government. No money shall be

drawn from the treasury but in consequence of appropriations made by law, or joint resolution, and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. XXXVIII. The appointment of all officers not otherwise directed by this constitution, shall be made in such manner as may be prescribed by law; and all officers, both civil and military, under the authority of this state, shall, before entering on the duties of their respective offices, take an oath or affirmation to support the constitution of the United States and of this state, and to demean themselves faithfully in office. Any person who, after the ratification of this constitution, shall be engaged in a duel either as principal, second, surgeon, accessory, or abettor, or in giving, accepting, or knowingly carrying a challenge to fight a duel, shall be disqualified from holding any civil or military office or appointment in this state, and if any person thus disqualified shall receive an appointment, election, or commission, the same shall be void.

SEC. XXXIX. It shall be the duty of the general assembly to provide by law, for the mode and manner in which the survivor of a duel, and his estate, shall be rendered responsible to, and be charged with a compensation for the wife and children of the deceased, whom he has slain.

SEC. XL. The general assembly shall meet on the first Monday of November, 1848, and thereafter the general assembly shall meet once in every two years, and such meeting shall be on the first Monday of November, unless a different day be fixed by law.

SEC. XLI. No county now established by law, shall ever be reduced by the establishment of new counties, or otherwise, to less than twenty miles square: nor shall any county hereafter be established which shall contain less than five hundred square miles, nor shall any new county be hereafter organized, so as to entitle such county to separate representation, unless the number of permanent free white inhabitants therein, shall at the time be equal to two-thirds of the ratio of representation then being, but may be organized with a smaller number for all other purposes, civil and military. But residuums of territory upon the northern

boundary of the state, containing four hundred square miles, may have county organization.

SEC. XLII. No person holding an office of profit under the United States, shall, during his continuance in office, be elected or appointed to, or hold any office of profit under this state.

SEC. XLIII. Within ten years after the adoption of this constitution, all the statute laws of a general nature, both civil and criminal, shall be revised digested and promulgated, in such manner as the general assembly shall by law direct; and a like revision, digest and promulgation, shall be made at the expiration of every subsequent period of sixteen years.

SEC. XLIV. The style of the laws of this state shall be, "Be it enacted by the general assembly of the state of Missouri."

ARTICLE IV.

Of the Executive Power.

SEC. I. The supreme executive power shall be vested in a chief magistrate, who shall be styled the governor of the state of Missouri.

SEC. II. The governor shall be at least thirty years of age, a free white citizen of the United States, and shall have been a citizen of the United States ten years, and of the state of Missouri at least five years next preceding his election.

SEC. III. The governor shall hold his office for four years, and until a successor be duly elected and qualified. He shall be elected in the manner following: At the time and place of voting for members of the house of representatives, the qualified electors shall vote for a governor, and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a joint vote of both houses of the general assembly, at their next session.

SEC. IV. The governor shall be ineligible for the next four years after the expiration of his term of service.

SEC. V. The governor shall be commander-in-chief of the army and navy of this state, except when they shall be called into the service of the United States—but need not command in person, unless advised so to do by a resolution of the general assembly.

SEC. VI. The governor shall have power, after conviction, to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons.

SEC. VII. The governor shall, from time to time, give to the general assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions, he may convene the general assembly by proclamation, and shall state to them the purpose for which they are convened.

SEC. VIII. The governor shall take care that the laws be distributed and faithfully executed; and he shall be a conservator of the peace throughout the state.

SEC. IX. When any office, except that of sheriff or coroner, shall become vacant, the governor shall appoint a person to fill such vacancy, who shall continue in office until a successor be appointed and qualified according to law.

SEC. X. Every bill which shall have been passed by both houses of the general assembly, shall, before it becomes a law, be presented to the governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated; and the house shall cause the objections to be entered at large upon its journal, and shall proceed to reconsider the bill. If, after such reconsideration, a majority of the members of that house shall agree to pass the same, it shall be sent, together with the objections, to the other house; by which it shall be in like manner reconsidered; and, if approved by a majority of all the members elected to that house, it shall become a law. In all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house, respectively. If any bill shall not be returned by the governor within four days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if the governor had signed it; unless the general assembly, by its adjournment, shall prevent its return, in which case it shall not become a law.

SEC. XI. Every resolution, to which the concurrence of the

senate and house of representatives may be necessary, except in cases of adjournment, shall be presented to the governor, and, before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

SEC. XII. There shall be an auditor of public accounts, whom the governor, by and with the advice and consent of the senate, shall appoint. He shall continue in office four years, and until his successor is duly appointed and qualified; and shall perform such duties as may be prescribed by law. His office shall be kept at the seat of government.

SEC. XIII. The governor shall, at stated times, receive for his services an adequate salary, to be fixed by law; which shall neither be increased nor diminished after his election and during his continuance in office.

SEC. XIV. There shall be a lieutenant-governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications, as the governor. The electors shall distinguish for whom they vote as governor and for whom as lieutenant-governor.

SEC. XV. The lieutenant-governor shall, by virtue of his office, be president of the senate. In committee of the whole, he may debate on all questions: and, when there is an equal division, he shall give the casting vote in the senate, and also in joint vote of both houses.

SEC. XVI. When the office of governor shall become vacant, by death, resignation, absence from the state, removal from office, refusal to qualify, impeachment, or otherwise, the lieutenant-governor, or, in case of like disability on his part, the president of the senate *pro tempore*, or if there be no president of the senate *pro tempore*, the speaker of the house of representatives shall possess all the powers and discharge all the duties of governor, and shall receive for his services the like compensation, until such vacancy be filled, or the governor, so absent or impeached, shall return or be acquitted; and if, at any time, the president of the senate or speaker of the house of representatives shall be the acting governor, another presiding officer shall be chosen in his place by the body over which he presided.

SEC. XVII. Whenever the office of governor shall become vacant, by death, resignation, removal from office, or otherwise, the lieutenant-governor, or other person exercising the power of governor for the time being, shall, as soon as may be, cause an election to be held to fill such vacancy, giving three months previous notice thereof; and the person elected shall not thereby be rendered ineligible to the office of governor for the next succeeding term. Nevertheless, if such vacancy shall happen within eighteen months of the end of the term for which the late governor shall have been elected, the same shall not be filled.

SEC. XVIII. The lieutenant-governor or president of the senate *pro tempore*, while presiding in the senate, shall receive the same compensation as shall be allowed to the speaker of the house of representatives.

SEC. XIX. The returns of all elections of governor and lieutenant-governor, shall be made to the secretary of state, in such manner as may be prescribed by law.

SEC. XX. Contested elections of governor and lieutenant-governor, shall be decided by a joint vote of both houses of the general assembly, in such manner as shall be prescribed by law.

SEC. XXI. There shall be a secretary of state, whom the governor, by and with the advice and consent of the senate, shall appoint. He shall hold his office during the continuance in office of the governor appointing him, and until his successor shall be duly qualified; unless sooner removed on impeachment. He shall keep a register of all the official acts and proceedings of the governor, and when necessary shall attest the same; and he shall lay the same, together with all papers relative thereto, before either house of the general assembly, whenever required so to do; and shall perform such other duties as may be enjoined on him by law.

SEC. XXII. The secretary of state shall keep the seal of state, with such emblems and devices as are directed by law, which shall not be subject to change. It shall be called the "great seal of the state of Missouri;" and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated.

SEC. XXIII. There shall be elected, in each county, by the qualified electors, at the time and place of electing representatives, a sheriff and a coroner. They shall serve for two years, and until a successor be duly qualified, unless sooner removed for misdemeanor in office: and shall be ineligible four years in any period of eight years. The sheriff and coroner shall each give security for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the governor shall appoint a sheriff and coroner therein, who shall each continue in office until the next succeeding general election, and until a successor shall be duly qualified.

SEC. XXIV. Whenever vacancies shall happen in the office of sheriff or coroner, the judges of the tribunal transacting county business, or a majority of them, shall, as soon as may be, cause an e ·ction to be held to fill such vacancy, giving fifteen days previous notice thereof; said judges having the power, in the meantime, of making temporary appointments; and the person elected shall continue in office until his successor is duly qualified. Nevertheless, if such vacancy shall happen within six months of the end of the term for which the late sheriff or coroner shall have been elected or appointed, the said judges or a majority of them, may, in their discretion, order such election or fill such vacancy by appointment, and the sheriff or coroner so elected or appointed, shall not thereby be rendered ineligible for the next succeeding term.

SEC. XXV. In all elections of sheriff and coroner, when two or more persons have an equal number of votes, and a higher number than any other person, the circuit courts of the counties shall give the casting vote. And all contested elections shall be decided by the circuit courts respectively, in such manner as the general assembly may by law prescribe.

ARTICLE V.

Of Judicial Powers.

SEC. I. The judicial power, as to matters of law and equity, shall be vested in a supreme court, circuit courts, county courts, justices of the peace, and such other tribunals inferior to the circuit courts, as the general assembly may from time to time ordain and establish.

SEC. II. The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, under the restrictions and limitations in this constitution provided.

SEC. III. The supreme court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas corpus, mandamus, prohibition, quo warranto, information in the nature of writs of quo warranto, certiorari, and other original remedial writs, and to hear and determine the same.

SEC. IV. The supreme court shall consist of three judges, any two of whom shall be a quorum; it shall hold two sessions annually, at the seat of government, until otherwise directed by law.

SEC. V. The governor shall nominate, and by and with the advice and consent of the senate, shall appoint the judges of the supreme court; each judge shall be appointed for the term of twelve years; and every appointment to fill a vacancy shall be for the residue of the term only; but in all cases the judge shall hold over until a successor shall be appointed and qualified.

SEC. VI. The judges of the supreme court shall be conservators of the peace throughout the state; they shall receive at stated times an adequate compensation for their services, to be fixed by law; which shall not be diminished during the term for which they shall have been appointed.

SEC. VII. The judges of the supreme court, or any two of them, shall appoint the clerk of said court, who shall hold his office for the term of six years, and until his successor is appointed and qualified.

SEC. VIII. No judge of the circuit court shall be elected or appointed to any office of honor, profit, or trust, under the govern-

ment of this state, during the term for which he shall have been elected or appointed, except that a judge of the circuit court may be appointed to the supreme court: *Provided*, that if any judge shall resign his office, he shall not be ineligible to any office for a longer period than twelve months after such resignation. If any judge shall offer or consent to be a candidate for any office under the government of the United States, such offer or consent shall be taken and considered a voluntary resignation of his office.

SEC. IX. The state shall be divided into ten compact, convenient circuits, which number of circuits shall not be increased within ten years after the adoption of this constitution.

SEC. X. No circuit shall be altered or changed at any session of the general assembly next preceding the regular election for judge of such circuit, nor shall such change occur oftener than once in six years, but the general assembly may add to any circuit any new county hereafter organized.

SEC. XI. For each circuit there shall be a judge chosen by the qualified electors therein, who shall hold his office for the term of six years, and until his successor shall be elected and qualified. When a vacancy shall happen in the office of circuit judge, within one year of the expiration of the term for which he was elected, such vacancy shall be filled by an appointment by the governor; in all other cases of vacancy it shall be filled by an election. He shall receive, at stated times, an adequate compensation for his services, to be fixed by law, which shall not be diminished during the term for which he shall have been elected. After his election he shall reside and be a conservator of the peace in said circuit.

SEC. XII. If there be a vacancy in the office of judge of any circuit, or if he be sick, absent, or from any cause unable to hold any term of court of any county of his circuit, such term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court in his circuit may be held by the judge of any other circuit.

SEC. XIII. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law, and exclusive original jurisdiction over all civil cases in law and equity, not cognizable before county courts or justices of the peace, until

otherwise directed by law; it shall hold its terms in such place in each county, and at such times, as the general assembly shall by law direct.

SEC. XIV. The circuit court shall exercise a superintending control over all inferior courts, and entertain appeals therefrom in such cases and in such manner as shall be prescribed by law.

SEC. XV. The circuit court, as a court of chancery, shall have power to grant divorces in all cases prescribed by law, to make such provisions for the aggrieved party, and the custody, support and education of minor children, as shall be just and equitable.

SEC. XVI. The supreme court and circuit court shall exercise chancery jurisdiction, in such manner and under such restrictions as shall be prescribed by law.

SEC. XVII. No person shall be appointed judge of the supreme court, or elected judge of the circuit court, unless he shall be a citizen of the United States, shall be at least thirty years old, and shall have resided five years in this state.

SEC. XVIII. The clerks of the circuit and county courts shall be chosen by the qualified electors of the county, and shall hold their office for the term of six years, and until their successors shall be elected and qualified; and for any misdemeanor in office, they shall be liable to be tried and removed in such manner as the general assembly shall provide by law, and if any vacancy in the office of the clerk of the circuit or county court shall happen within one year next before the expiration of the term of six years, the judge or judges of the court shall fill the same—but in all other cases a vacancy shall be filled by an election.

SEC. XIX. There shall be in each county a county court with power to transact county business, and to perform all such duties as may be prescribed by law.

SEC. XX. There shall be in each township of every county chosen by the qualified electors thereof, as many justices of the peace as the public good may require; their powers, duties, compensation, liabilities and tenure of office shall be regulated by law.

SEC. XXI. There shall be a day appointed by law, for the

election of judicial officers and clerks, distinct from the day of any other election in the state.

SEC. XXII. The governor, by and with the advice and consent of the senate, shall appoint an attorney-general, who shall hold his office for the term of four years, and until his successor shall be appointed and qualified; he shall receive at stated times such compensation as shall be allowed him, and shall perform such duties as shall be required by law.

SEC. XXIII. The proceedings of all courts and tribunals shall be conducted and their records kept in the English language, except that the proper and known names of processes, and technical words, may be expressed in the language heretofore and now commonly used; all writs and processes shall run, and all the prosecutions shall be conducted in the name of the state of Missouri; all writs shall be tested by the clerk of the court from which they issue, and all indictments shall conclude "against the peace and dignity of the state."

SEC. XXIV. Any judge of the supreme or circuit court may be removed from office on the address of three-fifths of each house of the general assembly to the governor for that purpose: but each house shall state on its journal the cause for which it may desire the removal of such judge, and give him notice thereof, and he shall have the right to be heard in his defence in such manner as the general assembly shall direct; but no judge shall be removed for any cause for which he might have been impeached.

SEC. XXV. If any cause shall be pending in the supreme court, in which all or either of the judges thereof shall be personally interested, the governor shall appoint competent persons to act as judges during the trial of such cause in the place of the judges thus interested.

ARTICLE VI.

Of Education.

SEC. I. Schools, and the means of education, should for ever be encouraged in this state; and the general assembly shall take measures to preserve from waste or damage, such lands as have

been, or hereafter may be granted by the United States for the use of schools within each township in this state, and shall apply the funds which may arise by the sale or otherwise, from such lands, in a strict conformity to the object of the grant.

SEC. II. There shall be a superintendent of public schools, who shall be appointed in such mode and receive such compensation as the legislature shall direct.

SEC. III. The legislature shall establish free public schools throughout the state, and shall provide means for their support, by taxation on property, and by capitation tax or otherwise. In such schools, there shall be no distinction for or against any religious sect or denomination, and all the scholars shall be on terms of equality. And in all such schools the English language shall be taught, and all instructions shall be given in that language.

SEC. IV. There shall be appropriated for the purposes of education, by means of such schools,—

First. The proceeds of all lands heretofore granted by the United States to this state, for the use or support of schools, whether derived from sales or otherwise, and of all lands which have been or which may hereafter be granted or devised to this state, and not expressly granted or devised for any other purpose; but nothing in this subdivision shall be construed to conflict with the first of the five propositions contained in the act of Congress of the United States, approved March the sixth, one thousand eight hundred and twenty, entitled, "An act to authorize the people of Missouri Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories."

Second. The proceeds of the estates of all deceased persons, to which the state has become entitled by law, and which have not been otherwise appropriated; and of the estates of all deceased persons which the state may hereafter become entitled to by law: and of all fines and forfeitures that may hereafter accrue according to law in this state.

Third. All the moneys, with the interest thereon, received by this state from the United States, by virtue of an act of Congress, approved June twenty-third, one thousand eight hundred and thirty-

six, entitled, "An act to regulate the deposits of the public money; *Provided*, That if said money be called for by the United States, it shall be refunded accordingly.

Fourth. The proceeds and incomes of the five hundred thousand acres of land granted by the United States to this state, by act of congress, approved September the fourth, eighteen hundred and forty-one; *Provided*, That the congress of the United States shall assent to this disposition of said five hundred thousand acres; *and, provided further*, That the interest which may arise from the portion of the school fund in this subdivision mentioned, shall be appropriated among the several counties in this state, share and share alike. And the appropriations in this section provided, shall be held by the state as a loan, and shall be and remain a permanent fund, on which the state shall pay an interest of at least six per centum per annum, which interest shall be annually appropriated to the support of such schools, and, if not expended, shall be added to and become a part of the principal; and this appropriation shall remain inviolable.

SEC. V. All moneys, including principal and interest, arising from the sales which have been or hereafter may be made of any lands granted by the United States to this state, for the use of a seminary of learning, and the proceeds of all such lands remaining unsold, and the proceeds of all donations that may hereafter be made for that purpose, shall be and remain a perpetual fund, upon which the state shall pay an annual interest of at least six per cent., which shall be appropriated to the seminary of learning established for the promotion of literature, and the arts and sciences, by an act of the general assembly of this state, approved February the eleventh, Anno Domini one thousand eight hundred and thirty-nine, by the name of "the curators of the university of the state of Missouri," and located in the town of Columbia, in the county of Boone.

ARTICLE VII.

Of the Seat of Government.

The seat of government is hereby permanently established at the City of Jefferson, in the county of Cole.

ARTICLE VIII.

Of Banks and Corporations.

SEC. I. No corporate body shall hereafter be created, renewed or extended with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note or other paper, or the paper of any other bank, to circulate as money.

SEC. II. No corporation, except for political or municipal purposes, or for the purposes of education or of charity, shall be created, unless the bill creating the same shall contain a provision that the charter of such corporation may be repealed and annulled by a majority of both houses of the general assembly. And the stockholders in all private corporations, except coporations for the purposes of education and of charity, shall be responsible, in their individual and private capacity, for all debts and liabilities of every kind, incurred by such incorporation. Nor shall any corporation be created for a longer period than twenty years; and no corporation shall exercise any privileges prohibited in the preceding section. And the state shall not be part owner of the stock or property belonging to any corporation. Nor shall the common school or seminary funds, nor any other funds or moneys, which the state may, at any time, hold in trust for the citizens of this state, be placed in, or loaned to any bank or other incorporate institution.

SEC. III. The legislature shall prohibit, by law, individuals and corporations, except the bank of the state of Missouri, and its branches, from issuing bills, checks, tickets, promissory notes, or other paper to circulate as money. No lottery shall be authorized by this state, and the buying or selling of lottery tickets within this state is prohibited.

SEC. IV. The legislature shall have power, by law, to provide for the sale and final disposition of all or any part of the stock owned by the state in the bank of the state of Missouri, upon such terms and conditions as shall be by law established; and if a part only of said stock shall be disposed of, then the number of directors, on the part of the state, shall be diminished in proportion to the amount of stock sold; and whenever the whole

stock of the state shall have been disposed of, all right on the part of the state to a directory in said bank shall cease, but the charter for the benefit of the private stockholders shall not be thereby affected or destroyed. And provision shall be made to enable the private stockholders to have a voice in the election of presidents of the bank and branches, in proportion to the amount of stock owned by them; and when all of the stock of the state shall be sold, the president of the bank and branches shall be elected by the private stockholders.

ARTICLE IX.

Of the Disposal of the Soil, and the Navigation of Rivers.

SEC. I. The general assembly of this state shall never interfere with the primary disposal of the soil by the United States, nor with any regulation congress may find necessary for securing the title in the soil to the *bonâ fide* purchasers. No tax shall be imposed on land, the property of the United States, nor shall lands belonging to persons residing out of the limits of this state, ever be taxed higher than the lands belonging to persons residing within the state.

SEC. II. The state shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said state, so far as the said river shall form a common boundary to the said state, and any other state or states now or hereafter to be formed, and bounded by the same, and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on or within this state, shall be common highways, and for ever free to the citizens of this state and the United States, without any tax, duty, impost or toll therefor imposed by this state.

ARTICLE X.

Mode of Amending the Constitution.

The general assembly may, in the year eighteen hundred and fifty, and every four years thereafter, propose such amendments to this constitution, as a majority of all the members elected to each house shall deem expedient, and the vote upon each proposi-

tion shall be taken by yeas and nays in each house; and the governor shall cause such amendments to be published in at least one newspaper in each county in this state, where a newspaper is published, at least six months before the next succeeding general election. And it shall be the duty of the several officers in this state, who shall make out poll-books for the general election for that year, to put in each, two columns for each amendment, headed one for, and the other against, the amendment to the constitution. And it shall be the duty of the officers conducting said elections, to take the vote of each voter, for or against such amendments separately, and to have the same recorded in appropriate columns. When said poll-books are returned to the officer authorized by law to receive them, said officer shall make out and forward to the secretary of state, within ten days after he receives such poll-books, an abstract of the votes given, for and against each of said amendments, together with an abstract of the whole number of votes cast in their respective counties, cities or districts, in the same manner as the votes for governor and lieutenant-governor; and if a majority of all the votes given at said election are in favor of any one of said amendments, the governor shall issue his proclamation, declaring the same to be a part of the constitution, from and after the date of such proclamation.

ARTICLE XI.

Declaration of Rights.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

SEC. I. That all political power is vested in and derived from the people.

SEC. II. That the people of this state have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government, whenever it may be necessary to their safety and happiness.

SEC. III. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or re-

monstrance; and that their right to bear arms in defence of themselves and of the state cannot be questioned.

SEC. IV. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own consciences; that no man can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the gospel or teacher of religion; that no human authority can control or interfere with the rights of conscience; that no person can ever be hurt, molested, or restrained in his religious professions or sentiments, if he do not disturb others in their religious worship.

SEC. V. That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this state; that no preference can ever be given by law to any sect or mode of worship; and that no religious corporation can ever be established in this state. No religious sect or society should be permitted to accumulate or hold in mortmain large bodies of land or other property, and all extensive ecclesiastical perpetuities are dangerous to liberty. *Provided*, That any religious society may hold, in any assumed name, so much land as may be necessary for a house and buildings for public worship —for a parsonage, and for a burying-ground—and for no other purpose whatever; but no congregation, for such purposes, shall own more than one acre of land in a town, nor more than ten acres in the country. *And provided*, That nothing in this section shall ever be construed to divest any right or title heretofore vested.

SEC. VI. That all elections shall be free and equal.

SEC. VII. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property or character; and that right and justice ought to be administered without sale, denial or delay; and that no private property ought to be taken or applied to public use, without just compensation.

SEC. VIII. That the right of trial by jury shall remain inviolable.

SEC. IX. That in all criminal prosecutions, the accused has the right to be heard by himself and his counsel; to demand the na-

ture and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and in prosecutions or presentment or indictment, to a speedy trial by an impartial jury of the county; and that the accused cannot be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers or the law of the land.

SEC. X. That no person, after having been once acquitted by a jury, of felony, or other crime or misdemeanor, can for the same offence be again put in jeopardy of life, limb or liberty; but if in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of such court.

SEC. XI. That all persons shall be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus cannot be suspended unless when in cases of rebellion or invasion the public safety may require it.

SEC. XII. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. XIII. That the people ought to be secure in their persons, papers, houses and effects, from unreasonable searches and seizures; and no warrant to search any place or seize any person or thing, can issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

SEC. XIV. That no person can, for an indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in the time of war or public danger, or by leave of the court, for oppression or misdemeanor in office.

SEC. XV. That treason against the state can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court; that no person can be attainted

of treason or felony by the general assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives, shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there ought to be no forfeiture by reason thereof.

SEC. XVI. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write and print on any subject, being responsible for the abuse of that liberty; and in all prosecutions for libels, the truth thereof may be given in evidence, and the jury may determine the law and the facts under the direction of the court.

SEC. XVII. That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed; nor can the person of a debtor be imprisoned for debt after he shall have surrendered his property for the benefit of his creditors, in such manner as may be prescribed by law.

SEC. XVIII. That no person who is religiously scrupulous of bearing arms, can be compelled to do so, but may be compelled to pay an equivalent for military services, in such manner as shall be prescribed by law; and that no priest, preacher of the gospel, or teacher of any religious persuasion, or sect, regularly ordained as such, be subject to military duty, or compelled to bear arms.

SEC. XIX. That all property subject to taxation in this state, shall be taxed in proportion to its value.

SEC. XX. That no title of nobility, hereditary emolument, privilege or distinction, shall be granted; nor any office created, the duration of which shall be longer than the good behavior of the officer appointed to fill the same.

SEC. XXI. That migration from this state cannot be prohibited.

SEC. XXII. That the military is, and in all cases and at all times shall be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in such manner as may be prescribed by law; nor can any appropriation for

the support of an army be made for a longer period than two years.

SEC. XXIII. That everything in this article is excepted out of the general powers of government, and shall for ever remain inviolate, and that all acts of the legislature contrary to this or any other article of this constitution shall be void.

ARTICLE XII.

Provisions to put the New Constitution into Operation.

SEC. I. The constitution adopted in the year eighteen hundred and twenty is declared to be superseded by this constitution, and, in order to carry the same into effect, it is hereby ordained as follows:

SEC. II. All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this constitution, and not inconsistent therewith, shall continue as if the same had not been adopted.

SEC. III. In order that no inconvenience may result to the public service from the taking effect of this constitution, no officer shall be superseded thereby, except as herein directed.

SEC. IV. On the first Monday in August, one thousand eight hundred and forty-six, at the several election precincts in this state, the judges thereof shall cause two columns to be opened, headed one "for the constitution," the other "against the constitution," and cause the vote of each voter to be set in the appropriate column, and certify the vote so given to the clerks of the several county courts, who shall certify the same to the secretary of state, in the same manner and with the like restrictions that they are now required to certify the votes given for governor and lieutenant-governor of this state.

SEC. V. It shall be the duty of the governor to lay before the general assembly, on the first day of their regular session in the year eighteen hundred and forty-six, the vote for ratifying or rejecting said constitution, and if it shall appear to the general assembly, in joint meeting, that a majority of all the votes given, have accepted the constitution, they shall, within the first ten days

of the session by joint resolution, declare said constitution to be the supreme law of the state, and the former constitution shall be abolished.

SEC. VI. Until an enumeration and apportionment shall be made under this constitution, the county of Andrew shall have one representative; the county of Barry shall have one representative; the county of Bates shall have one representative; the county of Benton shall have one representative; the county of Boone shall have two representatives; the county of Buchanan shall have two representatives; the county of Callaway shall have two representatives; the county of Cape-Girardeau shall have two representatives; the county of Chariton shall have one representative; the county of Clay shall have two representatives; the county of Cole shall have one representative; the county of Cooper shall have two representatives; the county of Crawford shall have one representative; the county of Carroll shall have one representative; the county of Franklin shall have two representatives; the county of Gasconade shall have one representative; the county of Greene shall have two representatives; the county of Henry shall have one representative; the county of Howard shall have two representatives; the county of Jackson shall have two representatives; the county of Jasper shall have one representative; the county of Jefferson shall have one representative; the county of Johnson shall have one representative; the county of Lafayette shall have two representatives; the county of Lewis shall have one representative; the county of Lincoln shall have two representatives; the county of Linn shall have one representative; the county of Livingston shall have one representative; the county of Macon shall have one representative; the county of Madison shall have one representative; the county of Marion shall have two representatives; the county of Miller shall have one representative; the county of Monroe shall have two representatives; the county of Montgomery shall have one representative; the county of Morgan shall have one representative; the county of New Madrid shall have one representative; the county of Newton shall have one representative; the county of Dallas shall have one representative; the county of Osage shall have one representative; the county of

Platte shall have three representatives; the county of Perry shall have one representative; the county of Pettis shall have one representative; the county of Pike shall have two representatives; the county of Polk shall have one representative; the county of Pulaski shall have one representative; the county of Ralls shall have one representative; the county of Randolph shall have two representatives; the county of St. Charles shall have two representatives; the county of St. Francois shall have one representative; the county of Ste. Genevieve shall have one representative; the county of St. Louis shall have ten representatives; the county of Saline shall have one representative; the county of Shelby shall have one representative; the county of Taney shall have one representative; the county of Van Buren shall have one representative; the county of Warren shall have one representative; the county of Washington shall have two representatives; the county of Wayne shall have one representative; the county of Lawrence shall have one representative; the counties of Harrison and Grundy shall have one representative; the county of Hickory shall have one representative; the county of Moniteau shall have one representative; the county of Nodaway shall have one representative; the county of Clark shall have one representative; the county of Scotland shall have one representative; the counties of Clinton and De Kalb shall have one representative; the county of Ozark shall have one representative; the county of St. Clair shall have one representative; the counties of Adair and Schuyler shall have one representative; the counties of Putnam and Sullivan shall have one representative; the county of Mississippi shall have one representative; the county of Scott shall have one representative; the county of Audrain shall have one representative; the counties of Shannon and Reynolds shall have one representative; the counties of Ripley and Oregon shall have one representative; the counties of Stoddard and Dunklin shall have one representative; the counties of Atchison and Holt shall have one representative; the county of Gentry shall have one representative; the county of Mercer shall have one representative; the county of Knox shall have one representative; the county of Camden shall have one representative; the county of Daviess

shall have one representative; the county of Caldwell shall have one representative; the counties of Dade and Cedar shall have one representative; the counties of Wright and Texas shall have one representative; and the county of Ray shall have two representatives.

SEC. VII. Until an enumeration and apportionment shall be made, under this constitution, the counties of St. Charles and Lincoln shall have one senator; the counties of Pike and Ralls shall have one senator; the counties of Marion and Monroe shall have one senator; the counties of Scotland, Lewis, Clark, Knox, and Schuyler shall have one senator; the counties of Sullivan, Putnam, Harrison, Grundy, Mercer and Gentry shall have one senator; the counties of Holt, Atchison, Nodaway and Andrew shall have one senator; the counties of Buchanan, De Kalb and Clinton shall have one senator; the county of Platte shall have one senator; the counties of Clay and Ray shall have one senator; the counties of Livingston, Linn, Carroll, Caldwell and Daviess shall have one senator; the counties of Howard and Chariton shall have one senator; the counties of Macon, Adair, Shelby and Randolph shall have one senator; the counties of Boone and Audrain shall have one senator; the counties of Ste. Genevieve, St. François and Perry shall have one senator; the counties of Cape Girardeau and Wayne shall have one senator; the counties of Scott, Mississippi, New Madrid, Stoddard and Dunklin shall have one senator; the counties of Reynolds, Shannon, Texas, Madison, Ripley, Oregon and Wright shall have one senator; the counties of Green, Taney and Ozark shall have one senator; the counties of Jackson and Van Buren shall have one senator; the counties of Lafayette and Johnson shall have one senator; the counties of Lawrence, Barry, Newton and Jasper shall have one senator; the counties of Polk, Hickory, Camden and Dallas shall have one senator; the counties of St. Clair, Henry, Bates, Cedar and Dade shall have one senator; the counties of Pettis, Benton and Saline shall have one senator; the counties of Cooper and Moniteau shall have one senator; the counties of Cole, Miller and Morgan shall have one senator; the counties of Callaway and Montgomery shall have one senator; the coun-

ties of Franklin and Warren shall have one senator; the counties of Crawford, Washington and Jefferson shall have one senator; the counties of Gasconade, Osage and Pulaski shall have one senator; and the county of St. Louis shall have three senators.

SEC. VIII. On the first Monday in August, in the year eighteen hundred and forty-seven, there shall be an election held for judges of the circuit court, and for clerks of the circuit and county courts, and every six years thereafter. The judges and clerks shall enter on the duties of their respective offices on the first Monday in January succeeding their election.

SEC. IX. The general assembly shall, at its first session in the present year, make suitable provision for holding elections, making returns, and counting the votes for all officers to be elected under this constitution, prior to the first session of the legislature, to be elected under the same.

SEC. X. So soon as the new constitution shall be declared to be the supreme law of the state, the members of the general assembly, and all other officers who are continued, and who are elected or appointed under the old constitution, shall take an oath to support the new constitution.

SEC. XI. The next session of the general assembly, which is to meet in the year eighteen hundred and forty-six, shall not last more than thirty days.

SEC. XII. Immediately after the ratification of this constitution, the judges of the supreme court shall determine by lot, the times at which they shall severally go out of office, one of whom shall go out on the fourth Monday in November, in the year eighteen hundred and forty-eight, another four years thereafter, and the third eight years after the first; a certificate of which, under the hands of the judges, shall be filed in the office of the secretary of state, on or before the time above directed for the vacation of the office of the first judge, and should the judges neglect to file the same pursuant to the provisions of this section, it shall be the duty of the attorney-general, secretary of state, and auditor of public accounts, immediately after the fourth Monday of November, in the year eighteen hundred and forty-eight, to make such determination by lot for the several judges, and file a certificate

thereof, in the office of the secretary of state. And the governor shall immediately make such appointment, and fill such vacancy pursuant to the provisions of this constitution.

Done by the representatives of the people of the state of Missouri, in convention assembled, at the city of Jefferson, on the fourteenth day of January, in the year of our Lord one thousand eight hundred and forty-six, and of the independence of the United States of America the seventieth.

R. W. WELLS, *President,*
and Delegate from the county of Cole.

CONSTITUTION FOR THE STATE OF IOWA.

ADOPTED IN CONVENTION, MAY 18, 1846.

ARTICLE FIRST.

Preamble and Boundaries.

WE, the people of the territory of Iowa, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows:

Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river, thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the state of Missouri, as established by the constitution of that state, adopted June 12th, 1820, crosses the said middle of the main channel of the said Des Moines river; thence westwardly, along the said northern boundary line of the state of Missouri, as established at the time aforesaid, until an extension of said line intersect the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river, to a point opposite the middle of the main channel of the Big Sioux river, according to Nicollet's map; thence up the main channel of the said Big Sioux river, according to said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east, along said parallel of forty-three degrees and thirty

minutes, until said parallel intersect the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said Mississippi river, to the place of beginning.

ARTICLE SECOND.

Bill of Rights.

1. All men are by nature free and independent, and have certain unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

3. The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or for the maintenance of any minister or ministry.

4. No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion.

5. Any citizen of this state who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessary before the fact, shall for ever be disqualified from holding any office under the constitution and laws of this state.

6. All laws of a general nature shall have a uniform operation.

7. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libellous was true, and was

published with good motives, and for justifiable ends, the party shall be acquitted.

8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated, and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the papers and things to be seized.

9. The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts.

10. In all criminal prosecutions the accused shall have a right to a speedy trial by an impartial jury, to be informed of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for his own witnesses, and to have the assistance of counsel.

11. No person shall be held to answer for a criminal offence, unless on presentment or indictment by a grand jury, except in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger.

12. No person shall, after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great.

13. The writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion, the public safety require it.

14. The military shall be subordinate to the civil power. No standing army shall be kept up by the state in time of peace, and in time of war no appropriation for a standing army shall be for a longer time than two years.

15. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.

16. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

17. Excessive bail shall not be required. Excessive fines shall not be imposed; and cruel and unusual punishments shall not be inflicted.

18. Private property shall not be taken for public use without just compensation.

19. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

20. The people have the right freely to assemble together to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

21. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

22. Foreigners who are, or who may hereafter become, residents of this state, shall enjoy the same rights, in respect to the possession, enjoyment, and descent of property, as native born citizens.

23. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this state.

24. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

ARTICLE THIRD.

Right of Suffrage.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state six months next preceding the election, and the county in which he claims his vote twenty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

4. No person in the military, naval, or marine service of the United States, shall be considered a resident of this state by being

stationed in any garrison, barrack, or military or naval place or station within this state.

5. No idiot, or insane person, or persons convicted of any infamous crime, shall be entitled to the privileges of an elector.

6. All elections by the people shall be by ballot.

ARTICLE FOURTH.

Of the Distribution of Powers.

1. The powers of the government of Iowa shall be divided into three separate departments; the legislative, the executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any function appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

Legislative Department.

1. The legislative authority of this state shall be vested in a senate and house of representatives, which shall be designated the General Assembly of the State of Iowa, and the style of their laws shall commence in the following manner: "Be it enacted by the General Assembly of the State of Iowa."

2. The sessions of the general assembly shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members; unless the governor of the state shall, in the interim, convene the general assembly by proclamation.

3. The members of the house of representatives shall be chosen every second year, by the qualified electors of their respective districts, on the first Monday in August, whose term of office shall continue two years from the day of the general election.

4. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years; be a free white male citizen of the United States, and have been an inhabitant of this state or territory one year next preceding his election; and at the time of his election, have an actual residence of thirty days in the county or district he may be chosen to represent.

5. Senators shall be chosen for the term of four years, at the

same time and place as representatives, they shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

6. The number of senators shall not be less than one-third nor more than one-half the representative body, and at the first session of the general assembly after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen every two years.

7. When the number of senators is increased they shall be annexed by lot to one of the two classes, so as to keep them as nearly equal in number as practicable.

8. Each house shall choose its own officers and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

9. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

10. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same offence, and shall have all other powers necessary for a branch of the general assembly of a free and independent state.

11. Every member of the general assembly shall have the liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

12. Senators and representatives, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest

during the session of the general assembly, and in going to and returning from the same.

13. When vacancies occur in either house, the governor, or the person exercising the functions of the governor, shall issue writs of election to fill such vacancies.

14. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secresy.

15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. Bills may originate in either house, except bills for revenue, which shall always originate in the house of representatives, and may be amended, altered, or rejected by the other, and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

17. Every bill which shall have passed the general assembly shall, before it become a law, be presented to the governor. If he approve, he shall sign it, but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon the journal and proceed to reconsider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two-thirds of the members of each house present, it shall become a law notwithstanding the governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, Sunday excepted, the same shall be a law in like manner as if he had signed it, unless the general assembly by adjournment prevent such return.

18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the general assembly.

19. The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

20. The governor, secretary of state, auditor, treasurer, and judges of the supreme and district courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such

cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under this state; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such manner as the general assembly may provide.

21. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

22. No person holding any lucrative office under the United States, or this state, or any other power, shall be eligible to the general assembly: *Provided*, That offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmasters whose compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

23. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the general assembly, or be eligible to any office of trust or profit under this state, until he shall have accounted for and paid into the treasury, all sums for which he may be liable.

24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

25. Each member of the general assembly shall receive a compensation to be fixed by law, for his services, to be paid out of the treasury of the state. Such compensation shall not exceed two dollars per day for the period of fifty days from the commencement of the session, and shall not exceed the sum of one dollar per day for the remainder of the session: when convened in extra session by the governor, they shall receive such sum as shall be fixed for the first fifty days of the ordinary session. They shall also receive two dollars for every twenty miles they shall travel, in going to and returning from their place of meeting, on the most usual route: *provided, however*, that the members of the first general assembly under this constitution shall

receive two dollars per day for their services during the entire session.

26. Every law shall embrace but one object, which shall be expressed in the title.

27. No law of the general assembly, of a public nature, shall take effect until the same shall be published and circulated in the several counties of this state, by authority. If the general assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.

28. No divorce shall be granted by the general assembly.

29. No lottery shall be authorized by this state, nor shall the sale of lottery tickets be allowed.

30. Members of the general assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: I do solemnly swear, or affirm (as the case may be), that I will support the constitution of the United States, and the constitution of the state of Iowa, and that I will faithfully discharge the duties of senator (or representative, as the case may be), according to the best of my ability. And members of the general assembly are hereby empowered to administer to each other the said oath or affirmation.

31. Within one year after the ratification of this constitution, and within every subsequent term of two years, for the term of eight years, an enumeration of all the white inhabitants of this state shall be made, in such manner as shall be directed by law. The number of senators and representatives shall, at the first regular session of the general assembly after such enumeration, be fixed by law, and apportioned among the several counties according to the number of white inhabitants in each; and shall also, at every subsequent regular session, apportion the house of representatives, and every other regular session the senate for eight years; and the house of representatives shall never be less than twenty-six, nor greater than thirty-nine, until the number of white inhabitants shall be one hundred and seventy-five thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-nine nor exceeding seventy-two.

32. When a congressional, senatorial, or representative district

shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.

33. In all elections by the general assembly, the members thereof shall vote *viva voce*, and the votes shall be entered on the journal.

34. For the first ten years after the organization of the government, the annual salary of the governor shall not exceed one thousand dollars; secretary of state, five hundred dollars; treasurer, four hundred dollars; auditor, six hundred dollars; judges of the supreme and district courts, each one thousand dollars.

ARTICLE FIFTH.

Executive Department.

1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the Governor of the State of Iowa.

2. The governor shall be elected by the qualified electors, at the time and place of voting for members of the general assembly, and shall hold his office four years from the time of his installation, and until his successor shall be qualified.

3. No person shall be eligible to the office of governor, who has not been a citizen of the United States, and a resident of the state two years next preceding the election, and attained the age of thirty years at the time of said election.

4. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session, open and publish them in presence of both houses of the general assembly. The person having the highest number of votes shall be governor; but in case any two or more have an equal and the highest number of votes, the general assembly shall, by joint ballot, choose one of said persons so having an equal and the highest number of votes, for governor.

5. The governor shall be commander-in-chief of the militia, the army, and navy of this state.

6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

7. He shall see that the laws are faithfully executed.

8. When any office shall from any cause become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacany, by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people.

9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

10. He shall communicate by message to the general assembly, at every session, the condition of the state, and recommend such matters as he shall deem expedient.

11. In case of disagreement between the two houses, with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he may think proper, provided it be not beyond the time fixed for the meeting of the next general assembly.

12. No person shall, while holding any other office under the United States, or this state, execute the office of governor, except as hereinafter expressly provided.

13. The governor shall have power to grant reprieves and pardons, and commute punishments after conviction, except in cases of impeachment.

14. The governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the time for which he shall have been elected.

15. There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

16. All grants and commissions shall be in the name and by the authority of the people of the state of Iowa, sealed with the great seal of this state, signed by the governor, and countersigned by the secretary of state.

17. A secretary of state, auditor of public accounts, and treasurer, shall be elected by the qualified electors, who shall continue in office two years. The secretary of state shall keep a fair register of all the official acts of the governor, and shall, when required, lay the same, together with all papers, minutes, and vouchers relative thereto, before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law.

18. In case of the impeachment of the governor, his removal from office, death, resignation, or absence from the state, the powers and duties of the office shall devolve upon the secretary of state, until such disability shall cease, or the vacancy be filled.

19. If, during the vacancy of the office of governor, the secretary of state shall be impeached, displaced, resign, die, or be absent from the state, the powers and duties of the office of governor shall devolve upon the president of the senate; and should a vacancy occur by impeachment, death, resignation, or absence from the state, of the president of the senate, the speaker of the house of representatives shall act as governor till the vacancy be filled.

ARTICLE SIXTH.

Judicial Department.

1. The judicial power shall be vested in a supreme court, district courts, and such inferior courts as the general assembly may from time to time establish.

2. The supreme court shall consist of a chief justice and two associates, two of whom shall be a quorum to hold court.

3. The judges of the supreme court shall be elected by joint vote of both branches of the general assembly, and shall hold their courts at such time and place as the general assembly may direct, and hold their offices for six years, and until their successors are elected and qualified, and shall be ineligible to any other office during the term for which they may be elected. The supreme court shall have appellate jurisdiction only in all cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the general assembly may by

law prescribe. The supreme court shall have power to issue all writs and processes necessary to do justice to parties, and exercise a supervisory control over all inferior judicial tribunals, and the judges of the supreme court shall be conservators of the peace throughout the state.

4. The district court shall consist of a judge, who shall be elected by the qualified voters of the district in which he resides, at the township election, and hold his office for the term of five years, and until his successor is duly elected and qualified, and shall be ineligible to any other office during the term for which he may be elected. The district court shall be a court of law and equity, and have jurisdiction in all civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law. The judges of the district courts shall be conservators of the peace in their respective districts. The first session of the general assembly shall divide the state into four districts, which may be increased as the exigencies require.

5. The qualified voters of each county shall, at the general election, elect one prosecuting attorney and one clerk of the district court, who shall be residents therein, and who shall hold their several offices for the term of two years, and until their successors are elected and qualified.

6. The style of all processes shall be "the State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

ARTICLE SEVENTH.

Militia.

1. The militia of this state shall be composed of all able-bodied white male citizens between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States or of this state, and shall be armed, equipped, and trained, as the general assembly may provide by law.

2. No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace; *Provided*, that such person or persons shall pay an equivalent for such exemption, in the same manner as other citizens.

3. All commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the governor.

ARTICLE EIGHTH.

State Debts.

The general assembly shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection, unless the same shall be authorized by some law for some single object, or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election, and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each judicial district, if one is published therein, throughout the state, for three months preceding the election at which it is submitted to the people.

ARTICLE NINTH.

Incorporations.

1. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money. The general assembly of this state shall prohibit, by law, any person or persons, association, company or corporation, from ex-

ercising the privileges of banking, or creating paper to circulate as money.

2. Corporations shall not be created in this state by special laws, except for political or municipal purposes, but the general assembly shall provide, by general laws, for the organization of all other corporations, except corporations with banking privileges, the creation of which is prohibited. The stockholders shall be subject to such liabilities and restrictions as shall be provided by law. The state shall not, directly or indirectly, become a stockholder in any corporation.

ARTICLE TENTH.

Education and School Lands.

1. The general assembly shall provide for the election, by the people, of a superintendent of public instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the general assembly may direct.

2. The general assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all lands that have been or hereafter may be granted by the United States to this state, for the support of schools, which shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of Congress, distributing the proceeds of the public lands among the several states of the Union, approved, A.D. 1841, and all estates of deceased persons, who may have died without leaving a will, or heir; and also such per cent. as may be granted by Congress on the sale of lands in this state, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the general assembly may provide, shall be inviolably appropriated to the support of common schools throughout the state.

3. The general assembly shall provide for a system of common schools, by which a school shall be kept up and supported in each school district, at least three months in every

year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

4. The money which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid or fine collected, among the several school districts of said counties, in the proportion to the number of inhabitants in such districts, to the support of common schools, or the establishment of libraries, as the general assembly shall, from time to time, provide by law.

5. The general assembly shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this state, for the use of a university; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permament fund, the interest of which shall be applied to the support of said university, with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the general assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

ARTICLE ELEVENTH.

Amendments of the Constitution.

1. If at any time the general assembly shall think it necessary to revise or amend this constitution, they shall provide by law for a vote of the people for or against a convention, at the next ensuing election for members of the general assembly; in case a majority of the people vote in favor of a convention, said general assembly shall provide for an election of delegates to a convention, to be held within six months after the vote of the people in favor thereof.

ARTICLE TWELFTH.

Miscellaneous.

1. The jurisdiction of justices of the peace shall extend to all civil cases (except cases in chancery and cases where the question of title to any real estate may arise), where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding five hundred dollars.

2. No new county shall be laid off hereafter, nor old county reduced, to less contents than four hundred and thirty-two square miles.

3. The general assembly shall not locate any of the public lands, which have been or may be granted by congress to this state, and the location of which may be given to the general assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted shall not exceed three hundred and twenty acres.

ARTICLE THIRTEENTH.

Schedule.

1. That no inconvenience may arise from the change from a territorial government to a permanent state government, it is declared that all writs, actions, prosecutions, contracts, claims and rights, shall continue as if no change had taken place in this government; and all processes which may, before the organization of the judicial department under this constitution, be issued under the authority of the territory of Iowa, shall be as valid as if issued in the name of the state.

2. All the laws now in force in this territory, which are not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the general assembly of this state.

3. All fines, penalties and forfeitures, accruing to the territory of Iowa, shall accrue to the use of the state.

4. All recognizances heretofore taken, or which may hereafter be taken, before the organization of the judicial department under

this constitution, shall remain valid, and shall pass to, and may be prosecuted in the name of the state. And all bonds executed to the governor of this territory, or to any other officer in his official capacity, shall pass over to the governor of the state, or other proper state authority, and to their successors in office for the uses therein respectively expressed, and may be sued for, and recovered accordingly. All criminal prosecutions and penal actions, which have arisen, or may arise, before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the state.

5. All officers, civil and military, now holding their offices and appointments in this territory under the authority of the United States, or under the authority of this territory, shall continue to hold and execute their respective offices and appointments until superseded under this constitution.

6. The first general election under this constitution shall be held at such time as the governor of the territory, by proclamation, may appoint, within three months after its adoption, for the election of a governor, two representatives in the congress of the United States (unless congress shall provide for the election of one representative), members of the general assembly, and one auditor, treasurer, and secretary of state. Said election shall be conducted in accordance with the existing election laws of this territory, and said governor, representatives in the congress of the United States, auditor, treasurer, and secretary of state, duly elected at said election, shall continue to discharge the duties of their respective offices for the time prescribed by this constitution, and until their successors are elected and qualified. The returns of said election shall be made in conformity to the existing laws of this territory.

7. Until the first enumeration of the inhabitants of this state as directed by this constitution, the following shall be the apportionment of the general assembly :

The county of Lee shall be entitled to two senators and five representatives ;

The county of Van Buren, two senators and four representatives;

The counties of Davis and Appanoose, one senator and one representative, jointly ;

The counties of Wapello and Monroe, one senator jointly, and one representative each ;

The counties of Marion, Polk, Dallas and Jasper, one senator and two representatives, jointly ;

The county of Des Moines, two senators and four representatives ;

The county of Henry, one senator and three representatives ;

The county of Jefferson, one senator and three representatives ;

The counties of Louisa and Washington, one senator jointly, and one representative each ;

The counties of Keokuk and Mahaska, one senator jointly, and one representative each ;

The counties of Muscatine, Johnson and Iowa, one senator and one representative jointly, and Muscatine one representative, and Johnson and Iowa one representative jointly ;

The counties of Scott and Clinton, one senator jointly, and one representative each ;

The counties of Cedar, Linn and Benton, one senator jointly, the county of Cedar one representative, and the counties of Linn and Benton, one representative jointly ;

The counties of Jackson and Jones, one senator and two representatives ;

The counties of Dubuque, Delaware, Clayton, Fayette, Buchanan, and Black Hawk, two senators and two representatives jointly;

And any county attached to any county for judicial purposes, shall, unless otherwise provided for, be considered as forming part of such county for election purposes.

8. The first meeting of the general assembly under this constitution shall be at such time as the governor of the territory may, by proclamation, appoint, within four months after its ratification by the people, at Iowa City, in Johnson county, which place shall be the seat of government of the state of Iowa, until removed by law.

Done in convention, at Iowa City, this 18th day of May, in the year of our Lord, one thousand eight hundred and forty-six, and of the independence of the United States of America the seventieth.

In testimony whereof, we have hereunto subscribed our names:

ENOS LOWE, *President.*

Attest: WILLIAM THOMPSON, *Secretary.*

ORDINANCE.

Be it ordained by the convention assembled to form a constitution for the state of Iowa, in behalf of the people of said state, that the following propositions shall be made to the congress of the United States, which, if assented to by that body, shall be obligatory on this state.

1. Section number sixteen in every surveyed township of public lands, and where such section has been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state for the use of common schools.

2. The seventy-two sections of land set apart and reserved for the use and support of a university by an act of congress, approved on the twentieth of July, one thousand eight hundred and forty, entitled "An act granting two townships of land for the use of a university in the territory of Iowa," shall be applied solely to the use and support of such university, in such manner as the general assembly may direct.

3. That one quarter section of land in each township be granted to the state for the purpose of purchasing a common school library for the use of such township.

4. That five per cent of the nett proceeds of the sales of all public lands lying within this state, which shall be sold by congress after the admission of the state into the Union, shall be granted to the state for the use of common schools.

That in consideration of the grants specified in the four forego-

ing propositions, it is declared that this state will never interfere with the primary disposal of the soil within the same, by the United States, nor with any regulations congress may find necessary for securing the title in such soil to the *bonâ fide* purchaser thereof, and that no tax shall be imposed on lands, the property of the United States, and that in no case shall non-resident proprietors be taxed higher than resident.

AMENDMENTS TO THE CONSTITUTION OF THE STATE OF VERMONT.

[The following amendment was adopted by a state convention at Montpelier, on the 26th of June, 1828; the same having been previously proposed by the *seventh* council of censors, elected in 1827.]

ARTICLE I. No person who is not already a freeman of this state shall be entitled to exercise the privileges of a freeman, unless he be a natural born citizen of this, or some one of the United States, or until he shall have been naturalized, agreeably to the acts of congress.

[The following twelve amendments were proposed by the *eighth* council of censors, elected in 1834, and adopted by a state convention which met at Montpelier, on the 6th of January, 1836.]

ARTICLE II. The most numerous branch of the legislature of this state shall hereafter be styled the house of representatives.

ARTICLE III. The supreme legislative power of this state shall hereafter be exercised by a senate and the house of representatives; which shall be styled "The General Assembly of the State of Vermont." Each shall have and exercise the like powers in all acts of legislation; and no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law, without the concurrence of the other. *Provided*, that all revenue bills shall originate in the house of representatives—but the senate may propose or concur with amendments, as on other bills. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting; and in case of disagreement be-

tween the two houses, with respect to adjournment, the governor may adjourn them to such time as he shall think proper.

ARTICLE IV. The senate shall be composed of thirty senators, to be of the freemen of the county for which they are elected, respectively, who are thirty years of age, or upwards, and to be annually elected by the freemen of each county respectively. Each county shall be entitled to one senator at least, and the remainder of the senators shall be apportioned to the several counties according to their population, as the same was ascertained by the last census, taken under the authority of the United States—regard being always had, in such apportionment, to the counties having the greater fraction. But the several counties shall, until after the next census of the United States, be entitled to elect and have their senators in the following proportion, to wit:

Bennington county, two; Windham county, three; Rutland county, three; Windsor county, four; Addison county, three; Orange county, three; Washington county, two; Chittenden county, two; Caledonia county, two; Franklin county, three; Orleans county, one; Essex county, one; Grand Isle county, one.

The legislature shall make a new apportionment of the senators, to the several counties, after the taking of each census of the United States, or census taken for the purpose of such apportionment, by order of the government of this state, always regarding the above provisions in this article.

ARTICLE V. The freemen of the several towns in each county shall annually give their votes for the senators apportioned to each county, at the same time and under the same regulations as are now provided for the election of councillors. And the person or persons, equal in number to the number of senators apportioned to each county, having the greatest number of legal votes in such county respectively, shall be the senator or senators of such county. At every election of senators, after the votes shall have been taken, the constable or presiding officer, assisted by the selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the town clerk's office, and shall seal up said lists, se-

parately, and write on each the name of the town, and these words, "Votes for senator," or "Votes for senators," as the case may be, one of which lists shall be delivered by the presiding officer to the representative of said town (if any), and if none be chosen, to the representative of an adjoining town, to be transmitted to the president of the senate; the other list the said presiding officer shall, within ten days, deliver to the clerk of the county court for the same county, and the clerk of each county court respectively, or in case of his absence or disability, the sheriff of such county, or in case of the absence or disability of both, the high bailiff of such county, on the tenth day after such election, shall publicly open, sort, and count said votes, and make a record of the same in the office of the clerk of such county court, a copy of which he shall transmit to the senate; and shall also, within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election. *Provided, however*, that the general assembly shall have power to regulate by law the mode of balloting for senators within the several counties, and to prescribe the means and the manner by which the result of the balloting shall be ascertained, and through which the senators chosen shall be certified of their election, and for filling all vacancies in the senate which shall happen by death, resignation, or otherwise. But they shall not have power to apportion the senators to the several counties, otherwise than according to the population thereof, agreeably to the provisions herein before ordained.

ARTICLE VI. The senate shall have the like power to decide on the election and qualifications of, and to expel any of its members, make its own rules, and appoint its own officers, as are incident to, or are possessed by, the house of representatives. A majority shall constitute a quorum. The lieutenant-governor shall be president of the senate, except when he shall exercise the office of governor, or when his office shall be vacant, or in his absence; in which cases the senate shall appoint one of its own members to be president of the senate *pro tempore*. And the president of the senate shall have a casting vote, but no other.

ARTICLE VII. The senate shall have the sole power of trying and deciding upon all impeachments; when sitting for that purpose they shall be on oath or affirmation, and no person shall be

convicted, without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold or enjoy any office of honor, or profit, or trust, under this state. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

ARTICLE VIII. The supreme executive power of the state shall be exercised by the governor, or in case of his absence or disability, by the lieutenant-governor; who shall have all the powers and perform all the duties vested in, and enjoined upon, the governor and council, by the eleventh and twenty-seventh sections of the second chapter [part the second] of the constitution as at present established, excepting that he shall not sit as a judge in case of impeachment, nor grant a reprieve, or pardon, in any such case, nor shall he command the forces of the state in person, in time of war or insurrection, unless by the advice and consent of the senate, and no longer than they shall approve thereof. The governor may have a secretary of civil and military affairs, to be by him appointed during pleasure, whose services he may at all times command; and for whose compensation provision shall be made by law.

ARTICLE IX. The votes for governor, lieutenant-governor, and treasurer of the state, shall be sorted and counted, and the result declared by a committee appointed by the senate and house of representatives. If, at any time, there shall be no election by the freemen for governor, lieutenant-governor, or treasurer of the state, the senate and house of representatives shall, by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned.

ARTICLE X. The secretary of state, and all officers whose elections are not otherwise provided for, and who, under the existing provisions of the constitution, are elected by the council and house of representatives, shall hereafter be elected by the senate and house of representatives, in joint assembly, at which the presiding officer of the senate shall preside; and such presiding officer, in such joint assembly, shall have a casting vote, and no other.

ARTICLE XI. Every bill which shall have passed the senate and house of representatives, shall, before it become a law, be presented to the governor: if he approve, he shall sign it; if not, he shall return it, with his objections in writing, to the house in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, a majority of the house shall pass the bill, it shall, together with the objections, be sent to the other house, by which it shall likewise be reconsidered, and if approved by a majority of that house, it shall become a law. But in all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, as aforesaid, within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it; unless the two houses, by their adjournment within three days after the presentment of such bill, shall prevent its return; in which case it shall not become a law.

ARTICLE XII. The writ of habeas corpus shall, in no case, be suspended. It shall be a writ issuable of right; and the general assembly shall make provision to make it a speedy and effectual remedy in all cases proper therefor.

ARTICLE XIII. Such parts and provisions only of the constitution of this state, established by convention on the 9th day of July, one thousand seven hundred and ninety-three, as are altered or superseded by any of the foregoing amendments, or are repugnant thereto, shall hereafter cease to have effect.

SYNOPSIS OF THE

CONSTITUTIONS OF THE SEVERAL UNITED STATES.

ADOPTION OF THE FIRST STATE CONSTITUTIONS.

THE continental congress, on the 10th of May, 1776, recommended to the assemblies and conventions of the several colonies where no governments sufficient to the exigencies of their affairs had been established, to adopt such systems as, in the opinion of the representatives of the people, would best conduce to the happiness and safety of their constituents in particular, and British America in general.

The difficulties in forming state governments or constitutions were much less than in forming a system embracing all the states. The people had long been familiar with the civil institutions of their respective states, and could, with comparative ease, make such alterations as would suit their new political situation. The people of Connecticut and Rhode Island had, from their first settlement, chosen all their rulers, and in these states, a change of forms was only requisite.

Massachusetts, after the alteration of her charter by parliament, continued her old system, as far as practicable, agreeably to the advice of congress, until she was able and had leisure to form a new and more permanent one. From the peculiar situation of New Hampshire, Virginia, and South Carolina, congress, in November, 1775, recommended to them, if they judged it necessary for their peace and security, to establish governments, to continue during the disputes with Great Britain. In pursuance of these recommendations, the states of New Hampshire, South Carolina, Virginia, and New Jersey, established new systems of government before the declaration of independence. They were followed by four other states, during the year 1776, and with the exception of that of Virginia, these state systems of government were expressly limited in their duration to the con-

tinuance of the dispute between the colonies and Great Britain. In all the constitutions thus formed, except that of Pennsylvania, the legislative power was vested in two branches.*

Vermont did not become a member of the Union until 1791. That state was originally settled under grants from New Hampshire, and principally by the hardy yeomanry of New England, who became acquainted with the country in the war of 1756. It was a long time known by the name of "the New Hampshire grants," and its inhabitants were called "the green-mountain boys." It was claimed by New York, under the old grant to the duke of York; and in 1764, on an *ex parte* application to the king and council, the country, as far east as Connecticut river, was placed under the jurisdiction of that province. This was done without the knowledge and contrary to the wishes of the inhabitants, who at the revolution declared themselves independent, and in 1777, established a temporary government. They afterward requested to be admitted a member of the confederacy, but were opposed by New Hampshire and New York, and congress were unwilling to offend those states. A frame of state government was established July 4, 1786, and in 1790, New York was induced, by the payment of $30,000, to withdraw its claims, and in 1791, Vermont was admitted into the Union.

The following are the dates when the first constitutions of the old states were adopted:—

New Hampshire, January 5	1776
South Carolina, March 24	1776
Virginia, June 29	1776
New Jersey, July 2	1776
Maryland, August 14	1776
Pennsylvania, September	1776
Delaware, September	1776
North Carolina, December	1776
New York, April	1777
Massachusetts, March	1780
Vermont, July 4	1786
Georgia, May	1789

* Pitkin's History of the United States.

A Synopsis or Outline of the Principal Features of the Constitutions of each of the United States.

MAINE.

The constitution of this state was formed in 1819, and went into operation in 1820.

The legislative power is vested in a senate and a house of representatives, both elected annually by the people, on the second Monday of September. These two bodies are together styled *the Legislature of Maine.*

The number of representatives cannot be less than 100, nor more than 200. By the original apportionment named in the constitution, subject to change by the increase of population, a town having 1,500 inhabitants is entitled to send one representative; having 3,750, two; 6,750, three; 10,500, four; 15,000, five; 20,250, six; 26,250, seven; but no town can ever be entitled to more than seven representatives. The number of senators cannot be less than twenty, nor more than thirty-one.

The legislature meets at *Augusta*, annually, in the month of May; it formerly met in January.

The executive power is vested in a governor, who is elected annually by the people, on the second Monday in September, and his term of office commences on the first Wednesday in January. A council of seven members is elected annually, by joint ballot of the senators and representatives, to advise the governor in the executive part of government.

The right of suffrage is granted to every male citizen aged twenty-one years or upward (excepting paupers, persons under guardianship, and Indians not taxed), having had his residence established in the state for the term of three months next preceding an election.

The judicial power is vested in a supreme judicial court, and such other courts as the legislature may, from time to time, establish. All the judges are appointed by the governor, with the advice and consent of the council; and they hold their offices during good behavior, but not beyond the age of seventy years.

NEW HAMPSHIRE.

A constitution was established in 1784; and in 1792, this constitution was altered and amended by a convention of delegates held at Concord, and is now in force.

The legislative power is vested in a senate and house of representatives, which, together, are styled *the General Court of New Hampshire.*

Every town, or incorporated township, having 150 ratable polls, may send one representative; and for every 300 additional polls, it is entitled to an additional representative.

The senate consists of twelve members, who are chosen by the people in districts.

The executive power is vested in a governor and a council, which consists of five members.

The governor, council, senators, and representatives, are all elected annually, by the people, on the second Tuesday in March, and their term of service commences on the first Wednesday in June.

The general court meets annually at *Concord,* on the first Wednesday in June.

The right of suffrage is granted to every male inhabitant of twenty-one years of age, excepting paupers, and persons excused from paying taxes at their own request.

The judiciary power is vested in a superior court, and a court of common pleas. The judges are appointed by the governor and council, and hold their offices during good behavior, but not beyond the age of seventy years.

VERMONT.

The first constitution of this state was formed in 1777, and revised in 1786; the one now in operation was adopted on the 4th of July, 1793; and amendments establishing a senate were adopted in January, 1836.

The legislative power is now vested in a senate and house of representatives, elected by the people annually, on the first Tuesday in September.

The senate consists of thirty members; each county being entitled to at least one, and the remainder to be apportioned according to population; and the house of representatives is composed

of one member from each town. The senators must be thirty years of age, and the lieutenant-governor is *ex-officio* president of the senate.

The legislature is styled *the General Assembly of the State of Vermont*, and meets annually, on the second Thursday of October, at *Montpelier*.

The executive power is vested in a governor, or, in his absence, a lieutenant-governor, both elected annually by the people, on the first Tuesday in September, and their term of office expires on the second Thursday in October.

The judiciary powers are vested in a supreme court, consisting of five judges, chosen every year by the legislature; in a county court, consisting of three judges, chosen in the same manner (one of the judges of the supreme court being chief-justice), who hold courts twice a year, in their respective counties, and in justices of the peace, appointed in the same manner.

The constitution grants the right of suffrage to every man, of the full age of twenty-one years, who has resided in the state for the space of one whole year, next before the election of representatives, and is of quiet and peaceable behavior.

A council of censors, consisting of thirteen persons, is chosen every seven years (first elected in 1785), on the last Wednesday in March, and meet on the first Wednesday in June. Their duty is to inquire whether the constitution has been preserved inviolate; whether the legislative and executive branches of government have performed their duty as guardians of the people; whether the public taxes have been justly laid and collected; in what manner the public moneys have been disposed of; and whether the laws have been duly executed. The council has also power to call a state convention to amend the constitution.

MASSACHUSETTS.

The constitution of this state was formed in 1780, and amended, by a state convention and the people, in 1821. Several amendments have since been recommended by the legislature, and adopted by the people.

The legislative power is vested in a senate and house of representatives, which together are styled *the General Court of Massachusetts*.

The senate consists of forty members, who are chosen annually by the people, by districts, or counties, according to population.

The house of representatives consists of members chosen annually by the cities and towns, according to population, every town having 300 ratable polls electing one representative, and for every 450 more, one additional representative. Any town having less than 300 polls, to be represented as many years within ten years, as 300 is contained in the product of the number of polls in said town, multiplied by ten. When there is a surplus of polls over a sufficiency for one or more representatives, multiply the surplus by ten, and divide by 450, and the quotient will show how many years of the decennial period the town shall be allowed an additional representative.

The supreme executive magistrate is styled the *Governor of the Commonwealth of Massachusetts*, and has the title of "*His Excellency.*" The governor is elected annually by the people, and at the same time a lieutenant-governor is chosen, who has the title of "*His Honor.*" The governor is assisted in the executive department, particularly in appointments to office, by a council of nine members, who are chosen by the joint ballot of the senators and representatives, from the senators; and in case the persons elected councillors decline the appointment, others are chosen by the legislature from the people at large.

The annual election is held on the second Monday in November, and the general court meets at *Boston*, on the first Wednesday of January.

The right of suffrage is granted to every male citizen twenty-one years of age and upward (excepting paupers and persons under guardianship), who has resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election, and who has paid a state or county tax, assessed upon him within two years next preceding such election; and also every citizen who may be by law exempted from taxation, and who may be in all other respects qualified as above-mentioned.

The judiciary is vested in a supreme court, a court of common pleas, and such other courts as the legislature may establish. The judges are appointed by the governor, by and with the ad-

vice and consent of the council, and hold their offices during good behavior.

RHODE ISLAND.

The charter granted to the colony of Rhode Island, by King Charles II., in 1663, formed the basis of the state government, until the present constitution was framed, which was adopted in November, 1842, and went into effect on the first Tuesday of May, 1843.

By this constitution, the legislative power is vested in a senate and house of representatives, who are together styled *the General Assembly of the State of Rhode Island and Providence Plantations.*

The senate consists of the governor, lieutenant-governor, and one senator from each of the thirty-one towns in the state.

The house of representatives consists of sixty-nine members, apportioned among the towns according to population. Each town is to have at least one, and no town more than twelve representatives.

The executive power is vested in a governor, being, with the lieutenant-governor, senators, and representatives, elected annually by the people, on the first Wednesday of April, for the year commencing the first Tuesday of May, when the general assembly meets at *Newport;* and adjourned sessions are held alternately at *Providence, South Kingston, East Greenwich, and Bristol.* The judges and other public officers, except those chosen by the people, are appointed annually by the general assembly.

The judicial powers are vested in a supreme court, consisting of a chief-justice and three associate justices, who hold their offices until they are removed by a resolution passed by both houses of the assembly, and in a court of common pleas for each county, consisting of a justice of the supreme court, and two associate justices.

The right of suffrage is vested in all male *native* citizens of the United States, who have resided in the state two years, and in the town where they propose to vote six months; who have been registered in the town clerk's office at least seven days before the election; have paid within one year a tax of one dollar, or have

done military duty within the preceding year; likewise, in all male citizens (naturalized foreigners) of the United States, who, in addition to the preceding qualifications, possess real estate in the town or city, worth $134 over all incumbrances, or which rents for $7 per annum.

CONNECTICUT.

The charter granted in 1662 by King Charles II., formed the basis of the government of Connecticut till 1818, when the present constitution was framed.

The legislative power is vested in a senate and house of representatives, which together are styled *the General Assembly*.

The members of the house of representatives are chosen by the different towns in the state; the more ancient towns, the majority of the whole number, send two representatives; the rest only one each. The present number is 221.

The senate must consist of not less than eighteen, nor more than twenty-four members, who are chosen by districts. The present number is twenty-one.

The executive power is vested in a governor. A lieutenant-governor is also chosen, who is president of the senate, and on whom the duties of the governor devolve, in case of his death, resignation, or absence.

The representatives, senators, governor, and lieutenant-governor, are all elected annually by the people, on the first Monday in April.

The general assembly has one stated session every year, on the first Wednesday in May, alternately at *Hartford* and at *New Haven*.

Every white male citizen of the United States, who shall have gained a settlement in this state, attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding, and have a freehold estate of the yearly value of seven dollars, in this state; or having been enrolled in the militia, shall have performed military duty therein for the term of one year next preceding the time he shall offer himself for admission, or, being liable thereto, shall have been, by authority of law, excused

therefrom; or shall have paid a state tax within the year next preceding the time he shall present himself for such admission, and shall sustain a good moral character; shall, on the taking such an oath as may be prescribed by law, be an elector.

The judicial power is vested in a supreme court of errors of five judges, one of whom holds a superior court twice a year in each county; and such inferior courts as the general assembly may, from time to time, establish. The judges are appointed by the general assembly; and those of the supreme and superior courts hold their offices during good behavior, but not beyond the age of seventy years. A county court is held by one judge for each county (who are appointed annually by the legislature), three times in each year in the several counties.

No person is compelled to join, support, or to be classed with, or associated to, any congregation, church, or religious association. But every person may be compelled to pay his proportion of the expenses of the society to which he may belong; he may, however, separate himself from the society by leaving a written notice of his wish with the clerk of such society.

NEW YORK.

The present constitution of the state of New York was formed in 1821.

The executive power is vested in a governor, who is elected by the people every two years; and at the same time, a lieutenant-governor is chosen, who is president of the senate, and on whom, in case of the impeachment, resignation, death, or absence of the governor from office, the powers and duties of governor devolve.

The legislative power is vested in a senate of thirty-two members, who are chosen for four years, and an assembly of 128 members, who are elected annually; these bodies united are styled *the Legislature*.

For the election of senators, the state is divided into eight districts, each being entitled to choose four senators, one of whom is elected every year. The members of the assembly are chosen by counties, and are apportioned according to population.

The election of governor, lieutenant-governor, senators, and

members of the assembly, is held at present on the next Tuesday after the first Monday in November, or at such time in the month of October or November, as the legislature may by law provide.

The political year commences on the first day of January, and the legislature meets annually at *Albany*, on the first Tuesday in January, unless a different day is appointed by law.

The constitution grants the right of suffrage, in the election of public officers, to every white male citizen, of the age of twenty-one years, who has been an inhabitant of the state one year next preceding any election, and for the preceding six months a resident in the county where he may offer his vote; but no man of color is entitled to vote unless he is possessed of a freehold estate of the value of two hundred and fifty dollars, without any incumbrance.

The judicial powers are vested in a court of errors, consisting of the lieutenant-governor and senators, the chancellor, and three judges of the supreme court; a court of chancery; a supreme court, of three judges; courts of common pleas; and in such other courts as the legislature may establish.

The chancellor and judges are appointed by the governor, with the consent of the senate. The chancellor and justices of the supreme and circuit courts hold their offices during good behavior, or until they attain the age of sixty years. The judges of the county courts, or courts of common pleas, are appointed for a term of five years.

A convention of delegates met at Albany the 1st of June, 1846, to amend the present, or frame a new constitution, which is to be submitted to the people for their approval at the annual election in November, 1846.

NEW JERSEY.

The original constitution of New Jersey was formed in 1776, and no revision of it took place until the adoption of the present constitution, in 1844, except that the legislature undertook to explain its provisions in particular parts.

In May, 1844, a convention of delegates, chosen by the people, assembled at Trenton, and prepared the draft of a new constitution, which was submitted to the people on the 13th of August,

was adopted by a large majority, and went into operation on the 2d of September, 1844.

The legislative power is vested in a senate and general assembly, who are styled *the Senate and General Assembly of the State of New Jersey*, under which title laws are enacted.

The senate consists of one senator from each county, elected by the people for three years, one-third going out each year. Their present number is nineteen.

The general assembly consists of not more than sixty, chosen annually by the people of each county, by apportionment according to the number of inhabitants. The present number of members is 58.

The members of the senate and of the general assembly are elected on the second Tuesday of October (the time subject to alteration by the legislature), and meet at *Trenton* on the second Tuesday in the next January, when the legislative year commences.

Charters for banks and money corporations require the assent of three-fifths of the members elected to each house, and are limited to twenty years.

The executive power is vested in a governor, elected by the people once in three years, at the general election. He has the power of nominating and appointing to office, with the advice and consent of the senate, the chancellor, justices of the supreme court, judges of the court of errors and appeals, and all other officers not otherwise provided for by law.

The judicial power is vested in a court of errors and appeals, composed of the chancellor, the judges of the supreme court, and six other judges; a court for the trial of impeachments; a court of chancery; a supreme court, of five judges; and courts of common pleas. The chancellor and judges of the supreme court hold their offices for seven years; the six judges of the court of errors and appeals, for six years, one judge vacating his seat each year in rotation.

The right of suffrage is exercised by every white male citizen of the United States, who has resided in the state one year, and in the county where he votes five months (paupers, idiots, insane persons, and criminals excepted).

PENNSYLVANIA.

The first constitution of Pennsylvania was adopted in 1776; a second one in 1790; and the present amended constitution was adopted in 1838.

The legislative power is vested in a general assembly, consisting of a senate and house of representatives.

The senators are chosen for three years, one-third being elected annually, by the people, by districts. Their number cannot be greater than one-third, nor less than one-fourth of the number of representatives. The present number is thirty-three.

The representatives are chosen annually on the second Tuesday of October, by the citizens of Philadelphia, and each county respectively, apportioned according to the number of taxable inhabitants. The number cannot be less than sixty nor more than one hundred; which latter is the present number chosen.

The general assembly meets annually at *Harrisburg*, on the first Tuesday of January, unless sooner convened by the governor.

The supreme executive power is vested in a governor, who is chosen on the 2d Tuesday in October, and who holds his office during three years from the third Tuesday of January next after his election; and he cannot hold it longer than six years in any term of nine years.

The judicial power is vested in a supreme court, in courts of oyer and terminer, and general jail delivery, in a court of common pleas, orphans' court, register's court, and court of quarter sessions of the peace for each county; in justices of the peace, and in such other courts as the legislature may from time to time establish.

The judges of the supreme court, court of common pleas, and other courts of record, are appointed by the governor, with the consent of the senate—the judges of the supreme court for fifteen years; the president judges of the court of common pleas, and other courts of record, for ten years; and the associate judges of the courts of common pleas, for five years.

The right of suffrage is exercised by every white freeman of the age of twenty-two years, having resided in the state one year, and in the election district where he offers his vote ten days immediately preceding such election, and within two years paid a

state or county tax, which shall have been assessed at least ten days before the election. White freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, having resided in the state one year, may vote without paying axes.

DELAWARE.

The constitution was formed in 1792, and amended in 1831.

The legislature is styled *the General Assembly*, and consists of a senate and house of representatives.

The senators are nine in number, namely, three from each county, and are elected for a term of four years.

The representatives are elected for a term of two years, and are twenty-one in number, seven from each county.

The general assembly meets at *Dover*, biennially, on the first Tuesday in January, unless sooner convened by the governor.

The general election is held biennially, on the second Tuesday in November.

The executive power is vested in a governor, who is elected by the people for a term of four years, and is not eligible for a second term.

The judicial power is vested in a court of errors and appeals, a superior court, a court of chancery, an orphans' court, a court of oyer and terminer, a court of general sessions of the peace and jail delivery, a register's court, justices of the peace, and such other courts as the general assembly may, by a vote of two-thirds of each house, establish.

The right of suffrage is granted to every white male citizen of the age of twenty-two years, or upward, having resided in the state one year next before the election, and the last month in the county where he votes; and having within two years paid a county tax. Also, to every white male citizen over twenty-one, and under twenty-two years of age, having resided as aforesaid, without payment of any tax.

MARYLAND.

The constitution of this state was first formed in 1776, since which time many amendments have been made by the legislature,

which body has that power, if amendments are passed by one legislature and confirmed by the next, in succession.

By the constitution, as it stands at present, the legislative power is vested in a senate consisting of twenty-one members, and a house of representatives of seventy-nine members, and these two branches united are styled *the General Assembly of Maryland.*

The senators are elected by the people, one from each county and one from the city of Baltimore, and hold their seats for six years, one-third being chosen annually.

The members of the house of delegates are elected annually by the people; the city of Baltimore to send six delegates; counties having more than 35,000 inhabitants, six delegates; less than 35,000 and more than 25,000, five delegates; less than 25,000 and more than 15,000, four delegates; less than 15,000, three delegates.

The executive power is vested in a governor, who is chosen by the people, and holds his office for three years from the first Monday of January, but is ineligible for the next succeeding term. The state is divided into three districts, and the governor is taken from each of the districts, alternately. The governor nominates, and with the consent of the senate, appoints all officers whose offices are created by law.

The annual election is held on the first Wednesday in October, and the general assembly meets at *Annapolis*, on the last Monday in December.

The judicial power is vested in a court of chancery, a court of appeals of six judges, county courts, and orphans' courts. The state is divided into six judicial districts, and for each district there are a chief judge and two associates, who constitute the county courts for the respective counties in the district. The six chief judges constitute the court of appeals for the state. The chancellor and judges hold their offices during good behavior.

The constitution grants the right of suffrage to every free white male citizen, above twenty-one years of age, having resided twelve months in the state, and six months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote.

VIRGINIA.

The old constitution of this state was formed in 1776, and continued in operation until 1830, when the present amended constitution was formed by a convention, and accepted by the people.

By this constitution the legislative power is vested in a senate and a house of delegates, which are together styled *the General Assembly of Virginia.*

The house of delegates consists of 134 members, chosen annually; thirty-one from the twenty-six counties west of the Allegany mountains; twenty-five from the fourteen counties between the Allegany mountains and Blue Ridge; forty-two from the twenty-nine counties east of the Blue Ridge, and above tide-water; and thirty-six from the counties, cities, towns and boroughs, lying upon tide-water.

The senate consists of thirty-two members: thirteen from the counties west of the Blue Ridge, and nineteen from the counties, cities, towns and boroughs, east thereof. The senators are elected for four years; and the seats of one-fourth of them are vacated every year. In all elections to any office or place of trust, honor, or profit, the votes are given openly, or *vivâ voce*, and not by ballot.

A re-apportionment for representatives in both houses is to take place every ten years, commencing in 1841, until which time there is to be no change in the number of delegates and senators from the several divisions, and after 1841, the number of delegates is never to exceed 150, nor that of the senators 36.

The time of election of delegates is fixed by the general assembly, and at present takes place in April.

The general assembly meets annually at *Richmond*, on the first Monday in December.

The executive power is vested in a governor, elected by the joint vote of the two houses of the general assembly. He holds his office three years, commencing on the first of January next succeeding his election, or on such other days as may be from time to time prescribed by law; and he is ineligible for the three years next after the expiration of his term of office.

There is a council of state, consisting of three members, elected for three years by the joint vote of the two houses, the

seat of one being vacated annually. The senior councillor is lieutenant-governor.

The judges of the supreme court of appeals and of the superior courts, are elected by a joint vote of both houses of the general assembly, and hold their offices during good behavior, or until removed by a concurrent vote of both houses; but two-thirds of the members present must concur in such vote, and the cause of removal be entered on the journals of each house.

The right of suffrage is extended to every white male citizen of the commonwealth, resident therein, aged twenty-one years and upward, who is qualified to exercise the right of suffrage according to the former constitution and laws; or who owns a freehold of the value of twenty-five dollars; or who has a joint interest to the amount of twenty-five dollars, in a freehold; or who has a life estate in, or reversionary title to, land of the value of fifty dollars, having been so possessed for six months; or who shall own and be in the actual occupation of a leasehold estate, having the title recorded two months before he shall offer to vote —of a term originally not less than five years, and of the annual value or rent of two hundred dollars; or who for twelve months before offering to vote, has been a housekeeper and head of a family, and shall have been assessed with a part of the revenue of the commonwealth, within the preceding year, and actually paid the same.

NORTH CAROLINA.

The constitution of North Carolina was originally framed and adopted in December, 1776, and certain amendments agreed upon by a convention in 1835, and ratified by the people, went into operation on the first of January, 1836.

The legislative power is vested in a body styled *the General Assembly*, consisting of a senate and house of commons, both elected biennially by the people.

The senate consists of fifty members, elected by districts, laid off and apportioned according to the amount of taxes paid by the citizens into the treasury of the state.

The house of commons consists of one hundred and twenty members, chosen by counties, according to their federal popula-

tion, that is, according to their respective numbers, determined by adding to the whole number of free persons (including those bound to service for a term of years, and excluding Indians not taxed) three-fifths of all other persons (slaves).

All freemen (people of color excepted) of the age of twenty-one years, who have been inhabitants of any one district within the state for twelve months preceding the day of any election, and are possessed of a freehold within the same district, of fifty acres of land, for six months next before and at the day of election, are entitled to vote for senators. The constitution grants the right of voting for governor and members of the house of commons, to all freemen of the age of twenty-one years, who have been inhabitants of the state twelve months immediately preceding the election.

The executive power is vested in a governor, who is elected by the people biennially; is to enter on the duties of his office on the first day of January next after his election; but he is not eligible more than four years in any term of six years. He is assisted by a council of state of seven persons, elected by the legislature.

The time of holding the election for governor and members of the general assembly, is appointed by the legislature; at present it is fixed for the first Thursday in Aug[illegible] biennially. All elections by the people are by ballot. The general assembly meets biennially, at *Raleigh*, on the third Monday in November.

The judicial power is vested in a supreme court of three judges, and in a superior or circuit court of seven judges; besides inferior courts. The state is divided into seven circuits, in which the superior court is held half yearly in the several counties. As judges of the superior courts of law they have jurisdiction of all pleas, whether brought before them by original or mesne process, or by *certiorari* writs of error, or appeal from any inferior court; also of all pleas of the state, and criminal matters. As judges of the courts of equity, they have all the powers of courts of chancery. The judges of the supreme and superior courts are elected by the legislature, in joint ballot, and hold their offices during good behavior.

SOUTH CAROLINA.

The first constitution of this state was formed in 1775; the present constitution was adopted in 1790.

The legislative authority is vested in a general assembly, consisting of a senate and house of representatives.

The senate consists of forty-five members, who are elected by districts, for four years, one half being chosen biennially.

The house of representatives consists of one hundred and twenty-four members, who are apportioned among the several districts, according to the number of white inhabitants and taxation, and are elected for two years. The representatives and one-half of the senators are chosen every second year, on the second Monday in October, and the day following.

The executive power is vested in a governor, who is elected for two years, by a joint vote of the senate and house of representatives, at every first meeting of the house of representatives. A governor, after having performed the duties of the office for two years, cannot be re-elected till after the expiration of four years.

At the time of the election of governor, a lieutenant-governor is chosen in the same manner, and for the same period.

The general assembly meets annually, at *Columbia*, on the fourth Monday in November.

The judicial power is vested in such superior and inferior courts of law and equity as the legislature shall, from time to time, direct and establish. In December, 1835, a change was made in the judiciary, though the judges remained the same. The old court of appeals of three judges was abolished, and two of the judges were made chancellors in equity, and the other one of the common law judges. The present court of appeals is constituted of the judges of the courts of law, and chancellors, who meet twice a year at Columbia, and twice a year at Charleston. There are four chancellors in equity, and seven judges of the general sessions and common pleas. The chancellor and judges are appointed by joint ballot of the senate and house of representatives, and hold their offices during good behavior.

The constitution grants the right of suffrage to every free white male citizen, of the age of twenty-one years, having resided in

the state two years previous to the day of election, and having been possessed of a freehold of fifty acres of land, or a town lot, at least six months before such election; or (not having such freehold or town lot) having been a resident in the election district in which he offers his vote, six months before said election, and having paid a tax the preceding year, of three shillings sterling toward the support of the government.

GEORGIA.

The first constitution of Georgia was formed in 1777; a second in 1785; and a third, the one now in operation, in 1798.

The legislative power is vested in a senate and house of representatives, which together are styled *the General Assembly.*

The members of both houses are chosen annually, by the people, on the first Monday in October. The number of representatives is in proportion to population, including three-fifths of all the people of color; but each county is entitled to at least one member. The constitution was altered by the legislature in 1844, so as to divide the state into forty-seven senatorial districts, and to reduce the number of representatives from 201 to 130. The legislature have the power of altering the constitution, provided two-thirds of each branch agree on amendments proposed by one legislature, and confirmed by their successors by a two-third vote, at the following session.

The executive power is vested in a governor, who was formerly elected by the general assembly; but he is now (and since 1824) elected by the people, on the first Monday in October; and he holds the office for two years.

The general assembly meets at *Milledgeville,* on the first Monday in November, unless convened at another time by the governor.

The judicial power is vested in a superior court, and in such inferior jurisdictions as the legislature may, from time to time, ordain and establish; and the superior and inferior courts sit twice in each county every year. The state is divided into eleven circuits, with a judge of the superior court for each circuit. An inferior court is held in each county, composed of five justices, elected by the people every four years. These courts possess

the powers of courts of probate. The judges of the superior court are elected by the legislature for three years; the justices of the inferior courts, and justices of the peace, are elected quadrennially by the people; and the clerks of the superior and inferior courts, biennially.

The constitution grants the right of suffrage to all citizens and inhabitants who have attained the age of twenty-one years, and have paid all the taxes which may have been required of them, and which they may have had opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided six months within the county.

FLORIDA.

The constitution of this state was formed by a convention of delegates chosen by the people, and was adopted by said convention in January, 1839, but Florida remained under a territorial government until the 3d of March, 1845, when it was admitted into the Union as a state by act of Congress.

The legislative power is vested in a *General Assembly*, consisting of a senate and house of representatives. The senators are elected by the people, in districts, for two years, one half of the number going out of office every year. The present number of senators is seventeen. The representatives are elected by the people, by counties, annually, their number never to exceed sixty; at present, forty-one are chosen. The annual election takes place on the first Monday in October, and the legislature meets at *Tallahassee* on the fourth Monday in November of each year.

The executive power is vested in a governor, who is chosen by the people once in four years, and he is not eligible for the four years next succeeding his term of office.

The judicial power is vested in a supreme court, having appellate jurisdiction only, and composed of the circuit judges for five years after the election of those judges, and thereafter until the general assembly shall otherwise provide; also in circuit courts, the state being divided into four circuits, in each of which a judge of the supreme court has jurisdiction. These judges have also equity powers until a separate chancery court shall be established by the legislature. The judges are elected by the legislature, at

first for five years; after that term, during good behavior. There are also courts of probate, held by a judge of probate, one being appointed for each county in the state.

The right of suffrage may be exercised by every free white male, aged twenty-one years, or upward, who has resided in Florida for two years, and in the county for six months, and who shall be enrolled in the militia, or by law exempted from serving therein. The general assembly shall provide for the registration of all qualified voters.

No laws shall be passed to emancipate slaves, or to prohibit the immigration of persons bringing slaves with them. The general assembly may prevent free colored persons from entering the state.

No act of incorporation shall be passed or altered, except by the assent of two-thirds of each branch of the legislature. No bank charter shall be granted for more than twenty years, nor shall it ever be extended or renewed. The capital of a bank shall not exceed one hundred thousand dollars, nor shall a dividend be made, exceeding ten per cent. a year. Stockholders shall be individually liable for the debts of the bank, and no notes shall be issued for less than five dollars. The credit of the state shall not be pledged in aid of any corporation whatsoever.

For an amendment of the constitution, two-thirds of both houses of the general assembly must assent; the proposed alteration must then be published six months before the succeeding election, and then be again approved by a two-third vote in the succeeding assembly.

ALABAMA.

The constitution was formed at Huntsville, in August, 1819.

The legislative power is vested in two branches, a senate and house of representatives, which together are styled *the General Assembly of the State of Alabama.*

The representatives are elected annually, and are apportioned among the different counties in proportion to the white population; the whole number cannot exceed one hundred, nor fall short of sixty. The present number is one hundred. The senators are elected for three years, and one-third of them are chosen every year. Their number cannot be more than one-third, nor less

than one-fourth of the number of representatives. There are thirty-three at present.

The executive power is vested in a governor, who is elected by the people for two years; and is eligible four years out of six.

The representatives and one-third of the senators are elected annually on the first Monday in August, and the day following; and the governor is elected biennially at the same time.

The general assembly meets annually (formerly at *Tuscaloosa*, in future at *Montgomery*), on the fourth Monday in October.

The right of suffrage is possessed by every white male citizen of twenty-one years of age, who has resided within the state one year preceding an election, and the last three months within the county, city, or town, in which he offers his vote.

The judicial power is vested in a supreme court (consisting of three justices), which has appellate jurisdiction only; in a court of chancery, consisting of three chancellors, the state being divided into three chancery districts; in circuit courts, each held by one judge, the state being divided into eight circuits, and such inferior courts as the legislature may establish. The judges of the supreme and circuit courts, and the chancellors, are elected by a joint vote of the two houses of the general assembly, for six years.

MISSISSIPPI.

The original constitution of this state was formed at the town of Washington, near Natchez, in August, 1817; and the present revised constitution was formed by a convention, at Jackson, in October, 1832.

The legislative power is vested in a senate and house of representatives, together styled *the Legislature of Mississippi*. The senators are chosen for four years, by the people, by districts, one-half being elected biennially; and their number cannot be less than one-fourth, nor more than one-third of the whole number of representatives.

The representatives are chosen by the people, by counties, every two years, on the first Monday in November, and the day following; their number not to be less than thirty-six nor more than one hundred, which last is the present number fixed. The

legislature meets at *Jackson*, on the first Monday in January, biennially.

The executive power is vested in a governor, who is chosen by the people, qualified as electors, for two years, and cannot hold the office more than four years, in any term of six years. The secretary of state, treasurer, and auditor of public accounts, are all chosen by the people, for two years.

The judicial power is vested in a high court of errors and appeals, held at least twice a year, consisting of three judges, chosen by the people for six years, one being elected in each of the three districts into which the state is divided, and one of the three judges being chosen biennially; in a circuit court, held in each county at least twice in each year, the judges being chosen by the people of each judicial district, and holding their office four years; in a superior court of chancery, the chancellor being chosen by the people of the whole state for six years; in a court of probate, the judge being elected by the people of each county for two years; justices of the peace and constables are also elected for two years.

Every free white male person, of the age of twenty-one years or upward, who shall be a citizen of the United States, and shall have resided in the state one year next preceding an election, and the last four months within the county, city, or town, in which he offers to vote, is a qualified elector. The mode of election is by ballot.

LOUISIANA.

The original constitution of this state was formed in 1812, and the present revised constitution formed by a convention of delegates in May, 1845, was accepted by the people in November, 1845.

The legislative power is vested in a senate and house of representatives, both together styled *the General Assembly of the State of Louisiana*.

The senators are elected by the people, by districts, for a term of four years, one half being chosen every two years, at the time of the election of representatives. The present number of senators is thirty-two.

The representatives are elected by the people by parishes, apportioned according to population, for a term of two years. Their

number is not to be more than one hundred, nor less than seventy. Their present number is ninety-eight.

The executive power is vested in a governor, who is elected by the people for a term of four years; and is ineligible for the next four years. A lieutenant-governor is chosen at the same time.

The biennial elections are held in November, and the sessions of the legislature are to be held biennially, at such place as may be fixed upon by the legislature, which must not be at New Orleans, or within sixty miles of that city. The sessions are to commence the third Monday in January, and the period of the session is limited to sixty days.

The legislature is prohibited from granting any bank charters, or renewing any now in existence; it is prohibited also from loaning the credit of the state, or borrowing money, except in case of war, invasion, or insurrection.

The judicial power is vested in a supreme court of four judges, which has appellate jurisdiction only, and such inferior courts as the legislature may establish. The state is divided into twelve or more districts, in each of which there is a judge for the district courts. The life-tenure of the judges is abolished by the new constitution; those of the supreme court are to be appointed for eight years, and of the lower courts for six years. Sheriffs, coroners, clerks of court and justice of the peace, are to be elected by the people.

The right of suffrage is extended to all white males above twenty-one years of age, who have resided two consecutive years in the state; *provided* that no naturalized citizen can vote until two years after he becomes a citizen.

All citizens are disfranchised, both as to voting and holding office, who may fight, or in any way be connected with fighting a duel, either in or out of the state.

ARKANSAS.

The constitution of this state was formed by a convention of delegates, at Little Rock, in January, 1836.

The legislative power is vested in a general assembly, consisting of a senate and house of representatives.

The senators are elected by the people, by districts, for a term of four years; the representatives by counties, for two years.

The senate consists of not less than seventeen, nor more than thirty-three members; the house of representatives of not less than fifty-four, nor more than one hundred members.

The general elections are holden every two years, on the first Monday in October, and the general assembly meets biennially, at *Little Rock*, on the first Monday of November. All general elections are to be *vivâ voce*, until otherwise directed by law.

The executive power is vested in a governor, elected by the people once in four years; but he is not eligible for more than eight years in any term of twelve years.

The judicial power is vested in a supreme court of three justices, having appellate jurisdiction only, except in particular cases pointed out by the constitution; in circuit courts, of which there are seven in the state, each held by one judge; in county courts and justices of the peace.

The judges of the supreme and circuit courts are chosen by the general assembly, the former for a term of eight years, the latter for four years. Justices of the peace are elected by the people for a term of two years. Judges of the county courts are chosen by the justices of the peace.

Every white male citizen of the United States, who has been a citizen of the state of Arkansas for six months, is deemed a qualified elector, and entitled to vote at elections. *Provided* that soldiers and seamen of the army or navy of the United States are not so entitled.

TENNESSEE.

In 1796, the people of Tennessee, by a convention at Knoxville, formed a constitution; and Tennessee was, the same year, admitted into the Union as an independent state. On the third Monday in May, 1834, a convention met at Nashville, for the purpose of revising and amending the constitution; and the constitution, as amended by the convention, was ratified by the people in March, 1835.

The legislative authority is vested in a general assembly, consisting of a senate and house of representatives.

The number of representatives is apportioned among the several counties, according to the number of qualified voters, and cannot exceed seventy-five (the present number), until the population

shall be a million and a half, and can never afterward exceed ninety-nine.

The number of senators is apportioned among the several counties according to the number of voters, and cannot exceed one-third of the number of representatives. The present number is twenty-five.

The time for the election of the governor, senators, and representatives, is on the first Thursday in August, once in two years, and the time of the meeting of the general assembly is on the first Monday in October, next ensuing the election, at *Nashville*.

The supreme executive power is vested in a governor, who is chosen by the people for two years, and is not eligible more than six years in any term of eight.

Every free white man of the age of twenty-one years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote, six months next preceding the day of election, is entitled to vote for civil officers.

The judicial power is vested in one supreme court, and such inferior courts as the legislature may, from time to time, ordain and establish, and in the judges thereof, and in justices of the peace.

The supreme court is composed of three judges, one of whom must reside in each of the three grand divisions of the state. The judges are elected by a joint vote of both houses of the general assembly, those of the supreme court for the term of twelve years, and those of the inferior courts for eight years. Attorneys for the state are elected in the same manner, for six years.

Ministers of the gospel are not eligible to a seat in either house of the legislature. No person who denies the being of a God, or a future state of rewards and punishments, can hold any civil office. Lotteries are prohibited; and persons who may be concerned in duels are disqualified for holding office in the state.

KENTUCKY.

On the separation of Kentucky from Virginia, in 1790, a constitution was adopted which continued in force till 1799, when a new one was formed instead of it; and this is now in force.

The legislative power is vested in a senate and house of representatives, which together are styled *the General Assembly of the Commonwealth of Kentucky.*

The representatives are elected annually, and are apportioned, every four years, among the different counties, according to the number of electors. Their present number is one hundred, which is the highest number that the constitution authorizes; fifty-eight being the lowest.

The senators are elected for four years, one-quarter of them being chosen annually. Their present number is thirty-eight; and they cannot exceed this number, nor fall short of twenty-four.

The executive power is vested in a governor, who is elected for four years, and is ineligible for the succeeding seven years after the expiration of his term of office. At the election of governor, a lieutenant-governor is also chosen, who is speaker of the senate, and on whom the duties of the governor devolve, in case of his absence or removal.

The representatives and one-quarter of the members of the senate are elected annually by the people, on the first Monday in August; the governor is elected by the people, every fourth year, at the same time; and he commences the duties of his office on the fourth Tuesday succeeding the day of the commencement of the election at which he is chosen. The polls are kept open three days; and the votes are given openly, or *vivâ voce*, and not by ballot.

The general assembly meets at *Frankfort* annually, on the first Monday in December.

The constitution grants the right of suffrage to every free male citizen (people of color excepted) who has attained the age of twenty-one years, and has resided in the state two years, or in the county where he offers his vote, one year, next preceding the election.

The judiciary power is vested in a supreme court, styled the court of appeals, and in such inferior courts as the general assembly may, from time to time, erect and establish. The judges of the different courts, and justices of the peace, hold their offices during good behavior.

OHIO.

The constitution of this state was formed at Chillicothe, in November, 1802.

The legislative power is vested in a senate and house of representatives, which together are styled *the General Assembly of the State of Ohio.*

The representatives are elected annually on the second Tuesday in October; and they are apportioned among the counties according to the number of white male inhabitants above twenty-one years of age. Their number cannot be less than thirty-six, nor more than seventy-two.

The senators are chosen for two years, one half being elected annually, and are apportioned according to the number of white male inhabitants of twenty-one years of age. Their number cannot be less than one-third, nor more than one-half of the number of representatives.

The executive power is vested in a governor, who is elected by the people for two years on the second Tuesday in October; and his term of service commences on the first Monday in December.

The general assembly meets annually, at *Columbus*, on the first Monday in December.

The right of suffrage is granted to all white male inhabitants above the age of twenty-one years, who have resided in the state one year next preceding the election, and who have paid, or are charged with, a state or county tax.

The judicial power is vested in a supreme court, in courts of common pleas for each county, and such other courts as the legislature may from time to time establish. The judges are elected by a joint ballot of both houses of the general assembly, for the term of seven years.

INDIANA.

The constitution was formed by a convention at Corydon, in June, 1816.

The executive power is vested in a governor, who is elected by the people, for a term of three years, and may be once re-elected. At every election of governor, a lieutenant-governor is also chosen, who is president of the senate, and on whom, in case of

the death, resignation, or removal of the governor, the powers and duties of governor devolve.

The legislative authority is vested in a *General Assembly*, consisting of a senate, the members of which are elected for three years, and a house of representatives, elected annually.

The number of representatives can never be less than thirty-six, nor more than one hundred (the present number); and they are apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age. The number of senators (at present 50), who are apportioned in like manner, cannot be less than one-third, nor more than one-half, of the number of representatives.

The representatives and one-third of the members of the senate are elected annually, on the first Monday in August; and the governor is chosen on the same day, every third year.

The general assembly meets annually, at *Indianapolis*, on the first Monday in December.

The right of suffrage is granted to all male citizens of the age of twenty-one years or upward, who may have resided in the state one year immediately preceding an election.

The judiciary power is vested in one supreme court, in circuit courts, and in such other inferior courts as the general assembly may establish. The supreme court consists of three judges; and each of the circuit courts consists of a president and two associate judges. The judges are all appointed for the term of seven years. The judges of the supreme court are appointed by the governor, with the consent of the senate; the presidents of the circuit courts, by the legislature; and the associate judges are elected by the people.

ILLINOIS.

The constitution was adopted in convention at Kaskaskia, August, 1818.

The legislative authority is vested in a *General Assembly*, consisting of a senate, the members of which are elected by districts for four years, and of a house of representatives, elected by districts, biennially.

The number of senators can never be less than one-third, nor more than one-half of the number of representatives.

The senate, apportioned according to population, now consists of 50; the house of representatives of 100 members.

The executive power is vested in a governor, who is elected by the people for four years; and he is not eligible for more than four years in any term of eight years. At the election of governor, a lieutenant-governor is also chosen, who is speaker of the senate; and on whom, in case the governor vacates his office, the duties of governor devolve.

The representatives and one half of the senators are elected biennially, on the first Monday in August; and the governor is chosen every fourth year, at the same time.

The general assembly meets every other year, at *Springfield*, on the first Monday in the December next following the election; and the governor is authorized to convene it, on extraordinary occasions, at other times.

All white male inhabitants above the age of twenty-one years, having resided in the state six months next preceding an election, have the rights of electors.

The judicial power is vested in a supreme court, and in such inferior courts as the general assembly may establish. The judges are appointed by joint ballot of both branches of the general assembly, and hold their offices during good behavior.

MICHIGAN.

The constitution of Michigan was formed by a convention of delegates at Detroit, in May, 1835, and ratified by the people in October following.

The legislative power is vested in a senate and house of representatives. The senators are elected by the people, by districts, for a term of two years, one half of the whole number, as nearly as may be, being chosen annually. The representatives are elected by the people, by counties, annually, and their number cannot be less than forty-eight, nor more than one hundred; the senators at all times are to be equal, as nearly as may be, to one-third of the number of the house of representatives. The present number of senators is eighteen; of representatives, fifty-three.

The annual election is held on the first Monday in November, and the following day, and the legislature meets at *Detroit*, until

the year 1847, when it shall be permanently located by the legislature.

The supreme executive power is vested in a governor, elected by the people, who holds his office for two years, and a lieutenant-governor, who is chosen at the same time, in the same manner, and for the same term as the governor. The lieutenant-governor is president of the senate.

The judicial power is vested in a supreme court, consisting of a chief-justice and three associate justices; in a court of chancery, held by a chancellor, at five different parts of the state within the year, the state being divided into five chancery circuits; in circuit courts, there being four judicial circuits, in each of which one of the judges of the supreme court sits as presiding judge (in each county one or two terms of the circuit court are held annually); also in county courts, and in such other courts as the legislature may from time to time establish. The judges of the supreme court are appointed by the governor and senate for the term of seven years. Judges of all county courts, associate judges of circuit courts, and judges of probate, are elected by the people for the term of four years. Each township is authorized to elect four justices of the peace, who hold their offices for four years.

In all elections, every white male above the age of twenty-one years, having resided in the state six months next preceding any election, is entitled to vote at such election. All votes are given by ballot, except for such township officers as may by law be directed to be otherwise chosen.

Slavery, lotteries, and the sale of lottery tickets, are prohibited.

MISSOURI.

The constitution of this state was formed by a convention, at St. Louis, in June, 1820; and in January, 1846, a new constitution was formed by a convention at Jefferson, which is to be submitted to the people on the first Monday of August next, and, if accepted, will go into effect in the month of November following.

By this new constitution, the legislative power is vested in a senate and house of representatives, to be styled together *the General Assembly;* and the members of both bodies are to be elected

from single districts (that is, each member to have his distinct constituency).

The senate is to consist of not less than twenty-five, nor more than thirty-three members, and the senators are to be elected by the people for four years, the seats of one half being vacated every second year.

The representatives are chosen every second year, and the whole number is limited to one hundred. The elections are held biennially, on the first Monday in August. The legislature meets every second year, at the city of *Jefferson*, on the first Monday in November.

The executive power is vested in a governor, who is elected for four years, and he is ineligible for the next four years after the expiration of his term of office. At the time of the election of governor, a lieutenant-governor is also chosen, who is, by virtue of his office, president of the senate.

The judicial power, as to matters of law and equity, is vested in a supreme court, circuit courts, county courts, justices of the peace, and such other tribunals inferior to the circuit courts, as the general assembly may establish.

The supreme court has appellate jurisdiction only, except in cases otherwise directed by the constitution; it consists of three judges, appointed by the governor and senate for the term of twelve years. The state is to be divided into ten circuits, for each of which a circuit judge is to be chosen by the qualified electors thereof, for the term of six years. The supreme court and circuit courts are to exercise chancery jurisdiction.

No corporate body shall hereafter be created for the purpose of issuing paper to circulate as money. No state debt shall be created by the general assembly, exceeding in amount twenty-five thousand dollars, except in cases of war, insurrection, or invasion, without an appeal to the direct vote of the people on the subject. All bank-notes, except those of the bank of the state of Missouri, are to be prohibited from circulation by law. Lotteries, and the selling of lottery-tickets, are prohibited.

The right of suffrage is granted to every white male citizen, who has attained the age of twenty-one years, and has resided in the state one year before an election, three months thereof being in the county or district in which he offers his vote.

TEXAS.

The constitution of the state of Texas was adopted by a convention of delegates at the city of Austin, on the fourth of July, 1845, and was approved by the people on the 13th of October following.

The legislative power is vested in a senate and house of representatives, styled together *the Legislature of the State of Texas*. The style of laws is, "Be it enacted by the Legislature of the State of Texas."

The senators are elected by the people, by districts, for the term of four years, one-half being chosen biennially; their number is not to be less than nineteen, nor more than thirty-three. The representatives are elected for two years, by the people, by counties, apportioned according to their free population; the number is not to be less than forty-five nor more than ninety.

Elections by the people are to be held in the several counties, cities, or towns, at such times as may be designated by law. The sessions of the legislature are to be held at the city of *Austin*, at such times as may be prescribed by law, until the year 1850, when the seat of government shall be permanently located by the votes of the people.

The executive power is vested in a governor, elected by the people, at the time and places of elections for members of the legislature; he holds his office for the term of two years, but is not eligible for more than four years in any term of six years. At the same time, a lieutenant-governor is chosen for the same term, who is president of the senate, and succeeds the governor in case of death, resignation, removal from office, inability, refusal to serve, impeachment, or absence from the state, of the latter.

The judicial power is vested in a supreme court of three judges; in district courts, and in such inferior courts as the legislature may, from time to time, establish. The judges of the supreme and district courts are appointed by the governor, with the advice and consent of two-thirds of the senate; and the judges hold their offices for six years.

The right of suffrage is granted to every free male person over the age of twenty-one years (Indians not taxed, Africans and de-

scendants of Africans, excepted), who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, or who was, at the adoption of this constitution by the Congress of the United States, a citizen of the republic of Texas, and shall have resided in this state one year next preceding an election, and the last six months within the district, city, or town, in which he offers to vote; *provided* that soldiers and seamen, or marines of the army or navy of the United States, shall not be entitled to vote at any election created by this constitution.

The legislature shall have no power to pass laws for the emancipation of slaves, without the consent of their owners. No banking or discounting company shall hereafter be created, renewed, or extended. No person shall be imprisoned for debt.

IOWA.

The constitution of the state of Iowa was formed by a convention of delegates, at Iowa City, on the 18th of May, 1846.

The legislative authority is vested in a senate and house of representatives; styled together *the General Assembly of the State of Iowa.*

The senators are elected by the people, by districts, for the term of four years, one half of the whole number, as near as may be, being chosen biennially. The number of senators is not to be less than one-third, nor more than one half that of the representative body; and until an enumeration of the inhabitants of the state is made, within one year, as directed by the constitution, the number of senators is fixed at nineteen.

The members of the house of representatives are chosen every second year, by the people of the respective counties, arranged in districts, and their term of office is two years. Their number at the first election under the constitution is fixed at thirty-nine, and it is not to be less than twenty-six, nor more than thirty-nine, until the number of white inhabitants in the state shall be one hundred and seventy-five thousand; after that event the whole number of representatives shall not be less than thirty-nine, nor exceed seventy-two.

The general elections are held biennially, on the first Monday in August, and the sessions of the general assembly are biennial, commencing on the first Monday of December next ensuing the election of its members. The seat of government is *Iowa City*.

The executive power is vested in a governor, elected by the people at the same time with members of the general assembly; his term of office is four years, and his annual salary is not to exceed one thousand dollars for the first ten years after the organization of the state government.

The judicial power is vested in a supreme court, district courts, and such inferior courts as the general assembly may from time to time establish. The supreme court consists of a chief-justice and two associates, elected by joint vote of both branches of the general assembly, and hold their offices for six years. The supreme court has appellate jurisdiction only, in all cases in chancery, and constitutes a court for the correction of errors at law, under such restrictions as the general assembly may by law prescribe. The district court consists of a judge elected in each district by the qualified voters thereof, for the term of five years. The district court is a court of law and equity, and these courts have jurisdiction in all civil and criminal matters in their respective districts. The state is to be divided by the general assembly into four districts, which may be increased as the exigencies require. A prosecuting attorney, and clerk of the district court, are elected by the people of each county, for the term of two years.

The right of suffrage is vested in every white male citizen of the age of twenty-one years, who shall have been a resident of the state six months next preceding the election, and in the county in which he claims to vote, twenty days. No person in the military, naval or marine service of the United States, shall be considered a resident of the state by being stationed in any garrison, or military or naval place or station, within the state.

All elections by the people are by ballot.

Banking corporations are prohibited, and other corporations shall not be created in the state by special laws, but may be provided for by general laws.

The general assembly shall not in any manner create any state debt exceeding the sum of one hundred thousand dollars, except in case of war, invasion or insurrection, unless the debt shall be authorized by some law for some single subject; and such law shall not take effect until it shall have been submitted to the people at a general election, and have received the sanction of a majority of all the votes cast on the subject at such election.

COMPARATIVE VIEW

OF THE

STATE CONSTITUTIONS.

In the six New England states, the executive and legislative branches of the government are all elected annually. The representation in the lower branch of the legislature is more numerous in those states than in the other states of the Union; the representatives in the New England states being elected by *towns* to the house of representatives, while in all other parts of the Union the representation in that branch of the legislature is by *counties; districts* in South Carolina, and *parishes* in Louisiana, being local divisions synonymous with counties.

An executive council, elected by the people, is peculiar to the state of New Hampshire. There are, however, executive councils, elected by the legislature, in Maine, Massachusetts, Virginia, and North Carolina.

The governor possesses the veto power, or qualified negative, on bills and resolutions which have been passed by the legislature, in the following eleven states, viz.: Maine, New Hampshire, Massachusetts, New York, Pennsylvania, Georgia, Mississippi, Louisiana, Michigan, Iowa, and Texas; in these states the executive veto can only be overruled by a two-third vote of both branches of the legislature.

In the following states the governor may return bills or resolutions passed by the legislature, but his veto may be overruled by a majority of the members elected to both houses, viz.: Vermont, Connecticut, New Jersey, Alabama, Florida, Arkansas, Kentucky, Indiana, and Missouri. In Illinois, the governor and the judges of the supreme court form a council to revise all bills which have passed the general assembly, and a majority of the

council may return bills with their objections, to the house where the same originated; after which, if approved by a majority of all the members elected to both houses, the bill may become a law.

In the following eight states, the approval of the governor is not required to bills or resolutions passed by the legislature, but the same may become laws, after receiving the signature of the speaker or presiding officer of each branch of the legislature, viz.: Rhode Island, Delaware, Maryland, Virginia, North Carolina, South Carolina, Tennessee, and Ohio.

In all of the states, except Virginia and South Carolina, the governor is elected by the people; in those two states he is chosen by the legislature. Lieutenant-governors are chosen by the people in Massachusetts, Vermont, Rhode Island, Connecticut, New York, Kentucky, Indiana, Illinois, Missouri, Michigan, Louisiana, and Texas; in Virginia and South Carolina by the legislature. In the other states, the office of lieutenant-governor does not exist.

In the New England states, a majority of all the votes given is required to constitute a choice, in elections generally, by the people; there are exceptions in Vermont, as to senators, also in Connecticut, in elections for state senators, members of congress, and on second trials, at adjourned meetings for the choice of representatives to the general assembly, in which cases a plurality of votes only is required for a choice. In all of the states except those of New England, a plurality of votes given effects a choice in elections by the people.

In all of the states, at popular elections, the manner of voting is by ballot, except in Virginia, Kentucky, Missouri, and Arkansas, in which states, in all elections to any office of trust, honor, or profit, with exceptions as to electors of president and vice-president, the votes are given openly, or *viva voce*, and not by ballot. In some of the states the manner of voting is subject to be changed by the legislature.

North Carolina is now the only state which requires a freehold qualification for electors for either branch of the legislature, members of the senate in that state being chosen by freemen possessed of a freehold within the district where they reside and vote,

of fifty acres of land. In Virginia, freeholders may vote for members of the house of delegates, in any county where they own a freehold of the value named in the constitution; housekeepers and heads of families who shall have been assessed with a part of the revenue of the commonwealth, within the preceding year when they vote, are also entitled to vote at elections.

Persons of color are entitled to vote at elections in the states of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island. In the state of New York they are also qualified to vote, if possessed of a freehold estate of the value of two hundred and fifty dollars, without any incumbrance. In all other states of the Union, persons of color, or those of African descent, are excluded from the right of voting at elections.

Ministers of the gospel are not eligible as legislators in Maryland, Virginia, North Carolina, Tennessee, and Texas. In South Carolina, Kentucky, Louisiana, Mississippi, and Missouri, they are eligible neither as governors nor legislators. In New York and Delaware they are not eligible to any office whatever.

New Hampshire and Massachusetts are the only states whose constitutions make provision for religious establishments. In New Hampshire, the legislature is empowered to *authorize*, and in Massachusetts the legislature is enjoined to *require*, the several towns, parishes, &c., in the state to make adequate provision, at their own expense, for the support and maintenance of Protestant teachers, or ministers of the gospel.

The council of censors is peculiar to Vermont; that body is chosen once in seven years, and among their other powers, they can call a convention to amend the constitution of the state.

Massachusetts is the only state whose constitution appoints titles to the officers of government. The governor is entitled "His Excellency," and the lieutenant-governor "His Honor."

A LIST

OF

COUNTIES, TOWNS, CITIES AND WAR

IN THE

STATE OF NEW YORK,

WITH THE

CENSUS

FOR THE

YEARS 1830, 1835, 1840 AND 1845.

[The towns for which the Census of 1830, 1835, and 1840, are not given, were erected since those years respectively.]

COUNTY OF ALBANY.

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Albany city	24,238	28,109		
1st ward,			9,777	3,712
2d ward,			6,851	3,676
3d ward,			4,137	5,053
4th ward,			7,232	4,759
5th ward,			5,666	3,129
6th ward,				3,661
7th ward,				3,532
8th ward,				4,001
9th ward,				5,204
10th ward,				4,412
Bern,	3,605	3,956	3,740	3,667
Bethlehem,	6,092	3,013	3,225	3,315
Coeymans,	2,123	2,957	3,107	2,978
Guilderland,	2,742	2,803	2,790	2,995
Knox,	2,186	2,262	2,143	2,161
New Scotland,		3,030	2,914	3,288
Rensselaerville,	3,689	3,507	3,712	3,589
Watervliet,	4,965	6,961	10,146	11,209
Westerlo,	3,320	3,074	3,096	2,927
19 Towns and Wards. Total,	53,560	59,762	68,536	77,268

COUNTY OF ALLEGANY.

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Alfred,	1,416	1,903	1,637	1,625
Allen,	898	1,089	870	906
Almond,	1,804	2,059	1,434	1,735
Amity,	872	1,280	1,356	1,485
Andover,	596	708	864	1,070
Angelica,	998	1,502	1,261	1,329
Belfast,	743	1,035	1,648	1,417
Birdsall,	543	573	328	475
Bolivar,	449	752	408	517
Burns,	702	936	847	924
Canadea,	782	1,046	1,647	1,167
Centreville,	1,195	1,426	1,504	1,436
Clarksville,		252	326	443
Cuba,	1,059	1,478	1,761	1,585
Eagle,	892	1,149	1,222	1,314
Friendship,	1,502	1,764	1,230	1,401
Genesee,	219	470	569	659
Granger,			1,064	1,178
Grove,	1,388	1,663	625	843
Hume,	951	1,523	2,305	1,980
Independence,	877	1,189	1,398	1,679
New Hudson,	655	1,065	1,488	1,290
Nunda,	1,291	2,031	2,614	2,528
Ossian,	812	940	945	953
Pike,	2,016	2,179	2,181	2,172
Portage,	1,839	2,560	4,715	2,668
Rushford,	1,115	1,520	1,502	1,769
Scio,	602	2,122	1,150	1,356
West Almond,			810	875
Wirt,			1,208	1,305
30 Towns. Total,	26,218	35,214	40,917	40,080

COUNTY OF BROOME.

Barker,		1,150	1,258	1,379
Chenango,	3,716	5,441	5,475	6,602
Colesville,	2,389	2,230	2,517	2,829
Conklin,	908	1,142	1,471	1,869
Lisle,	4,393	1,413	1,558	1,657
Nanticoke,		295	418	479
Sandford,	931	1,143	1,172	1,618
Triangle,		1,669	1,692	1,749
Union,	2,122	2,415	3,166	3,519
Vestal,	948	1,124	1,253	1,617
Windsor,	2,175	2,168	2,368	2,490
11 Towns. Total,	17,582	20,190	22,348	25,808

COUNTY OF CATTARAUGUS.

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Ashford,	631	1,201	1,462	1,376
Burton,		809	511	621
Carrolton,				193
Cold-Spring,			673	602
Connewango,	1,712	1,166	1,317	1,224
Dayton,		1,114	922	1,007
Ellicottville,	626	941	1,088	1,211
Farmersville,	1,005	1,164	1,294	1,462
Franklinville,	903	1,330	1,276	1,439
Freedom,	1,505	1,825	1,831	1,478
Great-Valley,	647	611	843	756
Hinsdale,	919	1,543	1,937	1,910
Humphrey,			459	591
Leon,		1,139	1,325	1,194
Little-Valley,	336	610	671	780
Lyndon,	271	539	628	819
Machias,	737	1,025	1,085	1,243
Mansfield,				962
Napoli,	852	1,379	1,142	1,119
New Albion,	380	840	1,033	1,199
Olean,	561	830	638	550
Otto,	1,224	1,731	2,125	2,110
Perrysburgh,	2,440	1,549	1,676	1,642
Persia,		898	870	1,086
Portville,			462	585
Randolph,	776	938	1,283	1,300
Yorkshire,	823	1,066	1,292	1,710
27 Towns. Total,	15,726	24,986	28,803	30,169

COUNTY OF CAYUGA.

Auburn,	4,486	5,368	5,626	6,171
Aurelius,	2,768	2,771	2,644	2,504
Brutus,	1,827	1,991	2,045	2,263
Cato,	1,781	2,214	2,380	2,312
Conquest,	1,507	1,782	1,911	1,921
Fleming,	1,461	2,363	1,330	1,187
Genoa,	2,768	2,721	2,591	2,426
Ira,	2,198	2,187	2,282	2,121
Ledyard,	2,427	2,373	2,143	2,095
Locke,	3,310	1,752	1,654	1,528
Mentz,	4,144	3,986	4,215	4,288
Moravia,		1,756	2,010	1,785
Niles,		2,197	2,234	2,153
Owasco,	1,350	1,278	2,331	1,277
Scipio,	2,691	2,523	2,655	2,136

TOWNS.	STATISTICS OF POPULATION.			
	1830.	1835.	1840.	1845.
Sempronius,	4,705	1,980	1,904	1,814
Sennet,	2,297	2,009	2,060	2,033
Springport,	1,526	1,829	1,891	1,832
Sterling,	1,436	2,001	2,536	2,732
Summer-Hill,		1,433	1,446	1,224
Venice,	2,445	2,228	2,106	2,000
Victory,	1,819	2,091	2,271	2,261
22 Towns.	Total, 47,247	49,202	50,364	49,063
COUNTY OF CHAUTAUQUE.				
Ashwright,	226	1,293	1,418	1,205
Busti,	1,680	2,079	1,749	1,983
Carroll,	1,015	1,414	1,632	1,705
Charlotte,	866	1,206	1,428	1,428
Chautauque,	2,488	3,119	2,980	2,980
Cherry-Creek,	574	923	1,141	1,109
Clymer,	567	843	800	970
Ellery,	2,001	2,395	2,252	2,134
Ellicott,	2,491	1,355	2,568	2,176
Ellington,	1,279	1,773	1,709	1,532
French-Creek,	480	553	621	647
Gerry,	1,110	1,339	1,246	1,244
Hanover,	2,614	3,520	3,998	3,718
Harmony,	1,988	2,915	3,333	3,431
Mina,	1,388	798	870	882
Poland,		916	1,082	1,015
Pomfret,	3,386	4,041	4,566	4,286
Portland,	1,771	2,181	2,136	1,966
Ripley,	1,647	2,023	2,197	1,938
Sheridan,	1,666	1,919	1,883	1,592
Sherman,		830	1,100	1,131
Stockton,	1,604	1,943	2,078	1,780
Villenova,	1,126	1,453	1,655	1,531
Westfield,	2,476	3,036	3,199	2,836
24 Towns.	Total, 34,657	44,869	47,641	46,548
COUNTY OF CHEMUNG.				
Bigflats,	4,149	1,238	1,375	1,421
Catharines,	2,064	2,261	2,424	2,611
Catlin,	2,015	2,356	1,119	1,247
Cayuta,	642	765	835	1,001
Chemung,	1,462	2,231	2,377	2,575
Dix,			1,990	2,335
Elmira,	2,962	3,879	4,791	5,899
Erin,	976	1,099	1,441	1,581

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Southport,	1,454	1,711	2,100	2,539
Veteran,	1,616	1,925	2,279	2,481
10 Towns. Total,	14,340	17,465	20,731	23,689
COUNTY OF CHENANGO.				
Bainbridge,	3,040	3,010	3,324	3,081
Columbus,	1,744	1,656	1,561	1,461
Coventry,	1,576	1,603	1,681	1,795
German,	884	866	975	947
Greene,	2,962	4,096	3,452	3,965
Guilford,	2,634	2,703	2,828	2,787
Lincklaen,	1,425	1,014	1,249	1,172
Macdonough,	1,232	1,425	1,369	1,514
New Berlin,	2,643	2,967	3,086	2,704
Norwich,	3,774	3,807	4,146	4,269
Otselic,	1,238	1,439	1,621	1,483
Oxford,	2,947	3,765	3,177	3,059
Pharsalia,	987	1,170	1,213	1,209
Pitcher,	1,214	1,533	1,562	1,501
Plymouth,	1,591	1,563	1,625	1,476
Preston,	1,213	1,126	1,117	1,059
Sherburne,	2,574	3,108	2,791	2,680
Smithville,	1,829	1,885	1,762	1,794
Smyrna,	1,897	2,026	2,240	1,944
19 Towns. Total,	30,404	40,762	40,779	39,900
COUNTY OF CLINTON.				
Au Sab'e,			3,229	3,976
Beekmantown,	2,391	2,263	2,763	3,078
Black-Brook,			1,054	1,598
Champlain,	2,456	2,691	3,633	4,050
Chazy,	3,097	3,023	3,592	3,571
Clinton,				833
Ellenburgh,		645	1,164	902
Mooers,	1,222	1,137	1,701	2,207
Peru,	4,949	5,795	3,183	3,273
Plattsburgh,	4,913	4,426	6,397	6,095
Saranac,	316	761	1,464	1,695
11 Towns. Total,	19,344	20,742	28,180	31,278
COUNTY OF COLUMBIA.				
Ancram,	1,533	1,617	1,769	1,705
Austerlitz,	2,345	2,092	2,090	1,812
Canaan,	2,064	2,042	1,957	1,973

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Chatham,	3,038	3,469	3,660	3,570
Claverack,	3,538	2,840	3,053	2,934
Clermont,	1,203	1,166	1,231	1,131
Copake,	1,675	1,616	1,505	1,607
Gallatin,	1,588	1,655	1,645	1,676
Germantown,	967	979	968	991
Ghent,	2,790	2,375	2,557	2,417
Greenport,			1,158	1,182
Hillsdale,	2,446	2,266	3,470	2,374
Hudson city,	5,392	5,531		
1st ward,			2,854	2,640
2d ward,			2,817	3,017
Kinderhook,	2,706	2,831	3,512	3,679
Livingston,	2,087	2,106	2,190	2,083
New Lebanon,	2,695	3,713	2,534	2,282
Stockport,		2,023	1,814	1,661
Stuyvesant,	2,331	1,736	1,779	1,718
Taghkanick,	1,650	1,589	1,674	1,424
21 Towns & Wards. Total,	39,952	40,746	44,237	41,476
COUNTY OF CORTLAND.				
Cincinnatus,	1,308	1,180	1,301	1,195
Cortlandville,	3,573	3,715	3,799	4,111
Freetown,	1,051	962	949	925
Harford (included in Virgil).				
Homer,	3,306	3,584	3,572	3,602
Lapeer (included in Virgil).				
Marathon,	895	986	1,063	1,080
Preble,	1,435	1,408	1,247	1,325
Scott,	1,452	1,504	1,332	1,368
Solon,	2,033	2,103	2,311	2,426
Truxton,	3,888	3,712	3,658	3,587
Virgil,	4,912	3,291	4,501	4,541
Willett,	840	723	872	921
13 Towns. Total,	23,693	24,168	24,605	25,081
COUNTY OF DELAWARE.				
Andes,	1,859	2,109	2,176	2,440
Bovina,	1,346	1,415	1,403	1,436
Colchester,	1,424	1,516	1,567	1,858
Davenport,	1,780	2,052	2,054	2,143
Delhi,	2,116	2,363	2,555	2,665
Franklin,	2,775	2,951	3,025	3,007
Hamden,	1,210	1,349	1,469	1,767
Hancock,	766	895	1,027	1,208

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Harpersfield,	1,936	1,741	1,696	1,569
Kortright,	2,873	2,531	2,442	2,211
Masonville,	1,145	1,278	1,420	1,383
Meredith,	1,655	1,603	1,640	1,678
Middletown,	2,383	2,487	2,608	2,695
Roxbury,	3,214	2,856	3,004	3,121
Sidney,	1,410	1,597	1,720	1,759
Stamford,	1,597	1,747	1,681	1,715
Tompkins,	1,774	1,951	2,032	2,261
Walton,	1,672	1,754	1,844	2,074
18 Towns. Total,	32,933	34,192	35,364	36,990

COUNTY OF DUTCHESS.

Amenia,	2,389	2,138	1,179	2,076
Beekman,	1,584	1,447	1,400	1,432
Clinton,	2,130	1,919	1,830	1,816
Dover,	2,198	1,981	1,999	1,944
Fishkill,	8,292	9,623	10,436	10,651
Hyde Park,	2,554	2,368	2,364	2,477
La Grange,	2,044	2,928	1,851	1,834
Milan,	1,886	1,813	1,726	1,744
Northeast,	1,689	1,495	1,381	1,436
Pawlings,	1,705	1,565	1,571	1,626
Pine-Plains,	1,503	1,355	1,324	1,499
Pleasant-Valley,	2,419	2,246	2,219	2,142
Poughkeepsie,	7,222	8,529	10,006	11,791
Redhook,	2,983	2,824	2,833	3,085
Rhinebeck,	2,938	2,624	2,759	2,989
Stanford,	2,521	2,358	2,278	2,301
Union Vale,	1,833	1,596	1,499	1,484
Washington,	3,036	2,897	2,833	2,797
18 Towns. Total,	50,926	50,704	52,488	55,124

COUNTY OF ERIE.

Alden,	1,257	1,969	1,984	2,187
Amherst,	2,489	4,379	2,440	3,133
Aurora,	2,421	2,967	2,909	3,010
Black-Rock,			3,605	4,883
Boston,	1,520	1,825	1,746	1,779
Brandt,			1,068	987
Buffalo city,	8,653	15,661		
1st ward,			3,548	7,107
2d ward,			3,587	5,877
3d ward,			1,836	3,511
4th ward,			5,228	9,061
5th ward,			3,942	4,217

Towns.	POPULATION.			
	1830.	1835.	1840.	1845.
Chictawaga,			1,137	2,029
Clarence,	3,353	2,239	2,271	2,497
Colden,	464	788	1,085	1,086
Collins,	2,120	4,025	4,277	3,969
Concord,	1,924	2,658	3,004	3,132
Eden,	1,066	2,093	1,172	2,213
Evans,	1,185	2,638	1,822	1,859
Hamburgh,	3,348	4,126	3,734	4,252
Holland,	1,070	1,166	2,242	1,355
Lancaster,		2,009	2,083	2,737
Newstead,	1,926	2,383	2,653	2,610
Sardinia,	1,414	1,633	1,741	1,600
Tonawanda,			1,250	1,634
Wales,	1,500	1,984	1,987	1,910
26 Towns & wards. Total,	35,710	57,994	62,251	78,635
COUNTY OF ESSEX.				
Chesterfield,	1,671	2,083	2,697	3,022
Crownpoint,	2,041	2,189	2,212	2,261
Elizabethtown,	1,015	856	1,061	1,194
Essex,	1,543	1,529	1,681	1,720
Jay,	1,729	1,732	2,260	2,431
Keene,	287	700	730	809
Lewis,	1,305	1,358	1,500	1,681
Minerva,	358	335	455	496
Moriah,	2,742	2,293	2,595	2,807
Newcomb,	62	46	74	126
St. Armand,				129
Schroon,	1,614	1,723	1,660	1,705
Ticonderoga,	1,996	2,080	2,168	2,309
Westport,	1,513	1,724	1,932	2,094
Willsborough,	1,316	1,253	1,667	1,424
Wilmington,	695	798	928	894
16 Towns. Totals,	19,386	20,699	23,620	25,102
COUNTY OF FRANKLIN.				
Bangor,	1,976	1,035	1,218	1,606
Belmont,		382	470	501
Bombay,		1,357	1,446	1,667
Brandon,	316	418	536	578
Burke,				1,285
Chateaugay,	2,016	2,029	2,820	1,952
Constable,	693	724	1,121	1,177
Dickinson,	446	597	1,005	1,074
Duane,	247	239	324	178
Fort Covington,	2,901	1,665	2,098	2,369

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Franklin,			192	361
Harrietstown,				129
Malone,	2,207	2,589	3,229	3,634
Moira,	791	798	964	1,013
Westville,	619	661	1,033	1,159
15 Towns. Total,	11,312	12,501	16,450	18,693
COUNTY OF FULTON.				
Bleecker,			346	267
Broadalbin,	2,657	2,721	2,728	2,358
Caroga,				342
Ephratah,	1,818	2,146	2,009	2,085
Johnstown,	7,700	7,557	5,408	5,408
Mayfield,	2,614	2,908	2,615	2,397
Northampton,	1,392	1,369	1,526	1,377
Oppenheim,	3,660	3,927	2,169	2,388
Perth,			737	1,214
Stratford,	552	637	500	743
10 Towns. Total,	20,393	21,265	18,038	18,579
COUNTY OF GENESEE.				
Alabama,	83	1,638	1,798	1,800
Alexander,	2,331	2,487	2,241	1,994
Batavia,	4,271	4,430	4,219	4,384
Bergen,	1,508	1,519	1,835	1,822
Bethany,	2,374	2,532	2,288	2,051
Byron,	1,939	1,953	1,908	1,807
Darien,		2,621	2,406	2,212
Elba,	2,679	3,134	3,161	1,950
Le Roy,	3,909	4,239	4,335	3,352
Oakfield,				1,360
Pavillion,				1,834
Pembroke,	3,831	2,029	1,970	2,140
Stafford,	2,367	2,563	2,560	2,139
13 Towns. Total,	25,992	29,145	28,721	28,845
COUNTY OF GREENE.				
Athens,	2,425	2,673	2,387	2,593
Cairo,	2,912	2,681	2,862	2,813
Catskill,	4,861	5,179	5,339	5,458
Coxsackie,	3,373	3,364	3,539	3,799
Durham,	3,039	2,954	2,813	2,613
Greenville,	2,565	2,313	2,238	2,261
Hunter,	1,960	2,024	2,019	2,433

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Lexington,	2,548	2,598	2,813	2,902
New Baltimore,	2,370	2,395	2,206	2,347
Prattsville,		1,469	1,613	2,069
Windham,	3,472	2,343	2,417	2,670
11 Towns. Total,	29,525	30,173	30,446	31,957
COUNTY OF HAMILTON.				
Arietta,			209	114
Gilman,			98	95
Hope,	718	768	711	648
Lake Pleasant,	266	336	296	296
Long Lake,			59	72
Morehouse,		119	169	211
Wells,	340	431	365	446
7 Towns. Total,	1,324	1,644	1,907	1,882
COUNTY OF HERKIMER.				
Columbia,	2,181	1,983	2,130	2,126
Danube,	1,723	1,651	1,960	1,693
Fairfield,	2,265	2,062	1,836	1,662
Frankfort,	2,620	2,670	3,096	3,082
Germanflatts,	2,466	2,715	3,245	3,237
Herkimer,	2,486	2,710	2,369	2,379
Litchfield,	1,750	1,620	1,672	4,244
Little Falls,	2,539	3,147	3,881	1,677
Manheim,	1,937	2,095	2,095	1,872
Newport,	1,863	1,955	2,020	2,112
Norway,	1,152	1,131	1,046	1,079
Ohio,	713	698	692	763
Russia,	2,458	2,313	2,198	2,439
Salisbury,	1,999	1,974	1,859	1,860
Schuyler,	2,074	2,153	1,798	1,824
Stark,	1,781	1,581	1,766	1,775
Warren,	2,084	2,004	2,003	1,952
Wilmurt,			60	89
Winfield,	1,778	1,739	1,652	1,559
19 Towns. Total,	35,869	36,201	37,378	37,424
COUNTY OF JEFFERSON.				
Adams,	2,995	2,970	2,941	3,055
Alexandria,	1,523	2,701	3,472	2,711
Antwerp,	2,412	2,614	3,108	3,380
Brownville,	2,938	2,890	2,972	4,380
Champion,	2,342	2,490	2,206	2,146

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Clayton,		3,344	4,042	4,682
Ellisburgh,	5,292	5,029	5,356	5,531
Henderson,	2,428	2,370	2,478	2,345
Hounsfield,	3,415	3,558	4,143	3,917
Le Ray,	3,430	3,668	3,722	3,853
Lorraine,	1,727	1,615	1,721	1,640
Lyme,	2,872	3,816	5,467	6,018
Orleans,	3,101	2,044	3,000	3,047
Pamelia,	2,263	2,322	2,119	2,254
Philadelphia,	1,167	1,616	1,888	1,942
Rodman,	1,901	1,698	1,703	1,694
Rutland,	2,339	2,111	2,082	2,148
Theresa,				2,109
Watertown,	4,786	4,279	5,025	5,433
Wilna,	1,602	2,053	2,583	2,714
20 Towns. Total,	48,515	53,088	61,028	64,999
COUNTY OF KINGS.				
Brooklyn city,	15,395	24,529		
1st ward,			2,148	4,620
2d ward,			5,447	6,903
3d ward,			3,834	5,936
4th ward,			6,827	8,819
5th ward,			7,415	9,419
6th ward,			4,043	10,615
7th ward,			4,521	9,958
8th ward,			944	1,369
9th ward,			1,054	1,897
Bushwick,	1,620	3,325	1,291	1,857
Flatbush,	1,143	1,537	2,099	2,225
Flatlands,	596	674	810	936
Gravesend,	565	695	799	898
New Utrecht,	1,217	1,287	1,283	1,863
Williamsburgh,			5,094	11,338
15 Towns & Wards. Total,	20,537	32,057	47,613	78,691
COUNTY OF LEWIS.				
Croghan,				1,014
Denmark,	2,270	2,522	2,398	2,551
Diana,	309	449	883	993
Greig,	662	538	592	880
Harrisburgh,	712	803	850	986
Leyden,	1,502	1,687	2,438	1,941
Lowville,	2,334	2,097	2,047	2,167
Martinsburgh,	2,382	2,288	2,281	2,408
Osceola,				213

TOWNS.	POPULATION.			
	[illegible]	[illegible]	1840.	1845.
Pinckney,	783	796	907	[illegible]
Train,	1,561	1,907	1,705	[illegible]
Watson,	909	1,163	1,767	[illegible]
West Turin,	1,534	1,843	2,042	[illegible]
13 Towns.	Total, 14,959	16,093	17,849	[illegible]
	COUNTY OF LIVINGSTON.			
Avon,	2,362	2,754	2,998	2,450
Caledonia,	1,618	1,767	1,965	1,788
Conesus,	1,690	1,690	1,654	1,579
Geneseo,	2,675	2,714	1,892	2,613
Groveland,	1,703	1,715	1,998	1,759
Leicester,	2,042	2,135	2,419	2,287
Lima,	1,764	2,227	2,186	2,158
Livonia,	2,665	2,659	2,719	2,695
Mount Morris,	2,534	3,499	4,547	4,293
Sparta,	3,777	4,507	5,841	5,944
Springwater,	2,253	2,567	2,832	2,761
York,	3,636	3,943	3,644	3,896
12 Towns.	Total, 27,719	31,098	35,719	33,193
	COUNTY OF MADISON.			
Brookfield,	4,367	3,950	3,695	3,623
Cazenovia,	4,344	4,647	4,153	4,675
De Ruyter,	1,447	1,562	1,799	1,829
Eaton,	3,558	3,758	3,408	3,444
Fenner,	2,017	1,972	1,997	1,833
Georgetown,	1,094	1,177	1,130	1,386
Hamilton,	3,220	4,022	3,738	3,878
Lebanon,	2,249	2,337	1,794	1,867
Lenox,	5,039	5,314	5,441	5,931
Madison,	2,544	3,655	2,344	2,313
Nelson,	2,445	2,231	2,100	1,976
Smithfield,	2,636	2,750	1,699	1,629
Stockbridge,			2,344	2,215
Sullivan,	4,077	4,366	4,390	4,388
14 Towns.	Total, 39,037	41,741	40,032	40,987
	COUNTY OF MONROE.			
Brighton,	6,238	2,883	2,337	2,290
Chili,	2,010	1,951	1,174	2,043
Clarkson,	3,251	3,836	3,486	4,007
Gates,	7,772	1,447	1,728	1,822
Greece,	2,574	3,265	3,669	3,818

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Henrietta,	2,310	2,215	2,085	2,219
Irondequoit,			1,252	1,461
Mendon,	3,057	3,404	3,435	3,243
Ogden,	2,401	2,434	2,403	2,560
Parma,	2,639	2,995	2,651	2,740
Pennfield,	4,477	4,905	2,842	2,937
Perrinton,	2,106	2,203	2,513	2,636
Pittsford,	1,832	1,969	1,983	1,860
Riga,	1,917	1,909	1,983	1,985
Rochester city,		14,404		
1st ward,			2,824	3,002
2d ward,			4,691	2,768
3d ward,			4,212	3,730
4th ward,			3,842	2,828
5th ward,			4,633	2,421
6th ward,				3,984
7th ward,				1,861
8th ward,				1,975
9th ward,				2,696
Rush,	2,101	2,026	1,929	1,798
Sweden,	2,938	3,559	3,133	3,179
Webster,			2,235	2,725
Wheatland,	2,239	2,684	2,871	2,311
27 Towns & Wards. Total,	49,862	58,085	64,912	70,899

COUNTY OF MONTGOMERY.

Amsterdam,	3,354	4,109	5,329	3,581
Canajoharie,	3,348	4,671	5,150	4,988
Charleston,	2,148	2,124	2,103	1,995
Florida,	2,838	2,896	5,162	3,172
Glen,	2,451	2,612	3,697	2,718
Mohawk,			3,106	2,752
Minden,	2,567	2,902	3,507	3,322
Palatine,	2,745	2,876	2,845	2,695
Root,	2,750	2,818	2,979	2,084
St. Johnsville,			1,923	1,616
10 Towns. Total,	23,202	25,108	35,801	29,643

CITY AND COUNTY OF NEW YORK.

1st ward,	11,327	10,380	10,629	12,230
2d ward,	8,202	7,549	6,408	6,972
3d ward,	9,649	10,884	11,581	11,900
4th ward,	12,705	15,439	15,770	21,000
5th ward,	17,722	18,495	19,159	20,362
6th ward,	13,447	16,827	17,199	19,343

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
7th ward,	15,868	21,481	22,985	25,556
8th ward,	25,094	28,570	29,173	30,900
9th ward,	22,752	20,618	24,795	30,907
10th ward,	16,438	20,926	29,093	30,993
11th ward,	14,901	26,845	17,052	27,259
12th ward,	11,901	24,437	11,678	13,378
13th ward,	12,655	17,130	18,516	22,411
14th ward,	14,370	17,306	20,230	21,103
15th ward,		13,202	17,769	19,422
16th ward,			22,975	40,350
17th ward,			18,622	27,144
Total,	203,007	270,089	312,932	371,223
COUNTY OF NIAGARA.				
Cambria,	1,712	2,070	2,100	2,224
Hartland,	1,584	2,195	2,301	2,674
Lewiston,	1,528	2,302	2,543	2,540
Lockport,	3,823	6,092	9,162	9,314
Newfane,	1,448	2,148	2,375	2,795
Niagara,	1,401	2,013	1,261	1,468
Pendleton,	577	1,069	1,098	1,285
Porter,	1,490	1,838	2,175	2,303
Royalton,	3,138	3,307	2,557	3,773
Somerset,	871	1,730	1,741	2,037
Wheatfield,			1,048	1,793
Wilson,	913	1,636	1,753	2,344
12 Towns. Total,	18,485	26,490	31,114	34,550
COUNTY OF ONEIDA.				
Annsville,	1,481	1,352	1,765	2,192
Augusta,	3,058	3,347	2,175	2,117
Boonville,	2,746	3,012	5,519	3,653
Bridgewater,	1,608	1,449	1,418	1,358
Camden,	1,945	2,114	2,329	2,434
Deerfield,	4,182	2,536	3,120	2,347
Florence,	964	1,106	1,259	1,994
Floyd,	1,699	1,795	1,741	1,592
Kirkland,	1,505	3,497	2,984	3,014
Lee,	2,514	2,618	2,936	2,963
Marcy,		1,730	1,799	1,769
Marshall,	1,908	2,579	2,251	2,148
New Hartford,	3,599	3,909	3,819	4,043
Paris,	2,765	2,849	2,844	3,097
Remsen,	1,400	1,489	1,648	1,903
Rome,	4,360	4,505	5,680	5,955

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Sangerfield,	2,272	2,242	2,251	2,272
Steuben,	2,094	2,159	1,993	1,924
Trenton,	3,221	3,220	3,178	3,543
Utica city,	8,323	10,183		
1st ward,			1,737	1,574
2d ward,			2,408	1,963
3d ward,			3,781	3,490
4th ward,			4,884	5,163
Vernon,	3,045	2,827	3,043	3,074
Verona,	3,739	4,155	4,504	4,942
Vienna,	1,766	2,172	2,530	2,867
Western,	2,419	2,502	3,488	2,523
Westmoreland,	3,303	3,140	3,105	3,072
Whitestown,	4,410	5,022	5,150	5,797
29 Towns & Wards. Total,	71,326	77,518	85,345	84,776

COUNTY OF ONONDAGA.

Camillus,	2,518	3,006	3,957	2,976
Cicero,	1,808	2,191	2,464	2,651
Clay,	2,095	1,538	2,852	2,789
De Witt,		2,716	2,802	2,876
Elbridge,	3,357	3,599	4,647	3,829
Fabius,	3,071	2,852	2,561	2,529
La Fayette,	2,560	2,592	2,600	2,527
Lysander,	3,228	3,838	4,306	4,506
Manlius,	7,375	5,594	5,509	5,602
Marcellus,	2,626	2,456	2,727	2,649
Onondaga,	5,668	4,789	5,662	5,142
Otisco,	1,938	1,863	1,906	1,701
Pompey,	4,812	4,521	4,371	4,112
Salina,	6,929	7,793	11,012	15,804
Skaneateles,	3,812	3,575	3,981	3,827
Spafford,	2,647	2,404	1,873	1,977
Tully,	1,640	1,618	1,663	1,621
Van Buren,	2,890	2,963	3,021	3,057
18 Towns. Total,	58,974	60,903	67,915	70,175

COUNTY OF ONTARIO.

Bristol,	2,952	3,005	1,953	1,801
Canadice,	1,386	1,515	1,341	1,179
Canandaigua,	5,162	5,452	5,652	5,627
East Bloomfield,	3,861	1,952	1,986	2,015
Farmington,	1,773	1,843	2,122	2,062
Gorham,	2,977	2,684	2,789	3,663
Hopewell,	2,202	2,958	1,976	2,068

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Manchester,	2,811	2,685	2,912	2,657
Naples,	1,943	2,156	2,345	2,270
Phelps,	4,798	4,786	5,563	5,375
Richmond,	1,876	1,786	1,937	1,732
Seneca,	6,161	6,608	7,073	7,911
South Bristol,			1,375	1,211
Victor,	2,265	2,265	2,393	2,225
West Bloomfield,		2,075	2,094	1,796
15 Towns. Total,	40,167	40,870	43,501	42,592
COUNTY OF ORANGE.				
Blooming-Grove,	2,099	2,005	2,396	1,962
Chester,				1,744
Cornwall,	3,486	3,289	3,919	3,854
Crawford,	2,019	2,007	2,075	2,072
Deerpark,	1,167	1,329	1,607	2,012
Goshen,	3,661	2,967	3,888	3,232
Hamptonburgh,	1,365	1,319	1,379	1,399
Minisink,	4,979	4,439	5,093	5,258
Monroe,	3,671	3,712	3,914	3,935
Montgomery,	3,887	4,016	4,100	4,020
Mount Hope,	1,535	1,484	1,565	1,600
Newburgh,	6,424	7,683	8,933	9,001
New Windsor,	2,310	2,460	2,482	2,474
Wallkill,	4,056	3,714	4,268	4,968
Warwick,	5,013	4,676	5,113	4,696
15 Towns. Total,	45,372	45,096	50,733	52,227
COUNTY OF ORLEANS.				
Barre,	4,801	5,182	5,499	5,614
Carlton,	1,168	2,080	2,242	2,471
Clarendon,	2,025	1,842	2,261	1,893
Gaines,	2,121	2,230	2,431	2,479
Kendall,			1,682	1,914
Murray,	3,138	3,592	2,678	2,496
Ridgeway,	1,939	3,349	3,257	3,943
Shelby,	2,043	2,440	2,697	2,663
Yates,	1,538	2,178	2,248	2,372
9 Towns. Total,	18,773	22,893	24,995	25,845
COUNTY OF OSWEGO.				
Albion,	669	945	1,499	1,644
Amboy,	669	766	1,084	988
Boyleston,	388	368	481	538

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1485.
Constantia,	1,193	1,967	1,494	1,705
Granby,	1,423	2,049	2,386	2,741
Greenboro,				74
Hannibal,	1,794	2,204	1,275	2,538
Hastings,	1,494	1,828	1,989	2,113
Mexico,	2,671	3,138	3,799	3,768
New Haven,	1,410	1,551	1,735	1,707
Orwell,	501	679	809	1,016
Oswego,	2,703	4,902	4,673	6,048
Palermo,		1,655	1,928	1,906
Parish,	968	1,295	1,543	1,456
Redfield,	341	412	507	510
Richland,	2,733	3,461	4,046	3,758
Sandy-Creek,	1,839	2,100	2,431	2,257
Schroeppel,		2,191	2,198	2,516
Scriba,	2,037	4,180	4,051	5,495
Volney,	3,629	2,995	3,154	3,895
West Monroe,			908	990
Williamstown,	606	658	830	782
22 Towns. Total,	27,104	38,245	43,820	48,441

COUNTY OF OTSEGO.

Burlington,	2,459	2,227	2,144	1,998
Butternuts,	3,991	4,323	4,017	4,179
Cherry Valley,	4,098	3,876	3,814	4,125
Decatur,	1,110	975	1,091	975
Edmeston,	2,087	2,044	1,907	1,820
Exeter,	1,690	1,462	2,423	1,487
Hartwick,	2,772	2,586	2,475	2,482
Laurens,	2,231	2,235	2,173	2,208
Maryland,	1,834	2,015	2,050	2,128
Middlefield,	3,323	3,163	3,318	3,196
Milford,	1,968	2,112	2,975	2,385
New Lisbon,	2,232	2,008	1,909	1,872
Oneonta,	1,828	1,762	1,936	1,928
Otego,	2,136	2,123	1,919	1,922
Otsego,	4,363	4,276	4,118	4,320
Pittsfield,	1,005	1,318	1,395	1,730
Plainfield,	1,626	1,530	1,448	1,458
Richfield,	1,752	1,673	1,670	1,641
Springfield,	2,816	2,547	2,382	2,356
Unadilla,	2,313	2,415	2,272	2,505
Westford,	1,645	1,547	1,468	1,500
Worcester,	2,093	2,210	2,420	2,294
22 Towns. Total,	51,372	50,428	49,403	50,509

COUNTY OF PUTNAM.

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Carmel,	2,379	2,163	2,263	2,389
Kent,	1,928	1,661	1,830	1,729
Patterson,	1,536	1,347	1,349	1,289
Phillipstown,	4,816	4,562	3,814	4,209
Putnam Valley,			1,659	1,598
Southeast,	2,042	1,818	1,910	2,044
6 Towns. Total,	12,710	11,551	12,825	13,258

COUNTY OF QUEENS.

Flushing,	2,822	3,643	4,124	3,918
Hempstead,	6,215	6,654	7,609	8,269
Jamaica,	2,376	2,885	3,782	3,883
North Hempstead,	3,062	3,360	3,891	3,897
Newtown,	2,610	3,505	5,054	5,521
Oysterbay,	5,133	5,093	5,864	6,361
6 Towns. Total,	22,278	25,130	30,224	31,849

COUNTY OF RENSSELAER.

Berlin,	2,019	1,757	1,794	1,845
Bushwick,	2,575	2,679	3,051	2,855
Grafton,	1,681	1,682	2,019	1,905
Greenbush,	3,216	3,345	3,701	4,182
Hoosick,	3,582	3,325	3,540	3,576
Lansingburgh,	2,663	3,268	3,330	3,982
Nassau,	3,254	3,227	3,237	3,104
Petersburg,	2,011	1,950	1,901	1,876
Pittstown,	3,702	3,919	3,785	3,628
Sandlake,	3,761	3,840	4,305	4,291
Scaghticoke,	3,002	3,243	3,389	3,091
Schodack,	3,795	3,793	4,125	3,746
Stephentown,	2,716	2,528	2,753	2,548
Troy city,	11,605	16,950		
1st ward,			3,236	3,405
2d ward,			3,783	3,888
3d ward,			2,777	2,701
4th ward,			3,563	3,720
5th ward,			815	1,067
6th ward,			1,332	1,981
7th ward,			3,044	3,754
8th ward,			823	1,193
22 Towns & Wards. Total,	49,472	55,515	60,303	62,338

COUNTY OF RICHMOND.

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Castleton,	2,204	2,868	4,286	5,203
Northfield,	2,171	2,297	2,747	3,342
Southfield,	975	845	1,626	2,631
Westfield,	1,724	1,681	2,326	2,497
4 Towns. Total,	7,084	7,691	16,985	13,673

COUNTY OF ROCKLAND.

Clarkstown,	2,298	2,176	2,539	2,797
Haverstraw,	2,306	2,865	3,348	4,806
Orangetown,	1,947	2,079	2,771	3,227
Ramapo,	2,837	2,576	3,217	2,911
4 Towns. Total,	9,388	9,696	11,874	13,741

COUNTY OF ST. LAWRENCE.

Brasher,	828	929	2,118	2,218
Canton,	2,440	2,412	3,464	4,035
Colton,				466
De Kalb,	1,060	1,200	1,530	1,723
De Peyster,	814	788	1,032	1,138
Edwards,	633	739	956	1,064
Fine,				243
Fowler,	1,447	1,571	1,752	1,840
Gouverneur,	1,552	1,796	2,529	2,600
Hammond,	767	1,327	1,945	1,911
Hermon,	668	870	1,271	1,580
Hopkinton,	827	910	1,149	1,435
Lawrence,	1,097	1,241	1,835	2,055
Lisbon,	1,891	2,411	3,508	4,376
Louisville,	1,076	1,315	1,687	1,970
Macomb,				1,113
Madrid,	3,459	4,069	4,510	4,376
Massena,	2,070	2,288	2,726	2,798
Morristown,	1,618	2,339	2,853	2,328
Norfolk,	1,309	1,373	1,132	1,544
Oswegatchie,	3,934	4,656	5,719	6,414
Parishville,	1,479	1,657	2,251	2,090
Pierrepont,	749	922	1,430	1,450
Pitcairn,			396	553
Potsdam,	3,650	3,810	4,460	4,856
Rossie,	650	722	1,553	1,386
Russell,	659	655	1,377	1,499
Stockholm,	1,944	2,047	2,993	3,293
28 Towns. Total,	36,351	42,047	56,676	62,354

COUNTY OF SARATOGA.

TOWNS.	POPULATION.			
	1835.	1840.	1840.	1845.
Ballston,	2,118	2,091	2,037	2,072
Charlton,	2,023	1,981	1,937	1,767
Clifton Park,	2,391	2,293	2,717	2,421
Corinth,	1,412	1,261	1,365	1,263
Day,	756	829	943	992
Edinburgh,	1,971	1,447	1,458	1,413
Galway,	2,710	2,638	2,412	2,385
Greenfield,	3,151	3,087	2,807	2,744
Hadley,	839	862	865	842
Halfmoon,	2,942	2,146	2,631	2,331
Malta,	1,347	1,356	1,459	1,294
Milton,	3,079	3,047	3,149	3,007
Moreau,	1,690	1,520	1,575	1,761
Northumberland,	1,906	1,502	1,673	1,589
Providence,	1,570	1,497	1,512	1,496
Saratoga,	2,981	2,435	2,624	2,755
Saratoga Springs,	2,904	2,436	3,384	4,276
Stillwater,	2,991	2,565	2,733	2,807
Waterford,	1,473	1,998	1,824	2,248
Wilton,	1,203	1,250	1,438	1,374
20 Towns.	Total, 38,616	38,012	40,542	41,477

COUNTY OF SCHENECTADY.

Duanesburgh,	2,837	3,281	3,338	3,287
Glenville,	2,494	3,027	3,068	2,984
Niskayuna,	446	565	681	644
Princetown,	819	975	1,184	950
Rotterdam,	1,480	2,110	2,274	2,210
Schenectady City,	4,258	6,272		
1st ward,			1,420	1,318
2d ward,			1,540	1,502
3d ward,			1,246	1,218
4th ward,			2,482	2,517
10 Towns & Wards. Total,	12,234	16,230	17,203	16,631

COUNTY OF SCHOHARIE.

Blenheim,	2,280	2,366	2,726	2,685
Broome,	3,167	3,342	2,404	2,572
Carlisle,	1,748	17,43	1,850	1,819
Cobleskill,	2,988	3,261	3,683	3,618
Conesville,			1,621	1,637
Fulton,	1,592	1,778	2,146	2,419
Jefferson,	1,743	1,851	2,033	1,870
Middleburgh,	3,266	3,139	3,841	3,922
Schoharie,	5,146	5,066	5,532	5,477

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Seward,			2,086	2,214
Sharon,	4,247	4,363	2,520	2,387
Summit,	1,733	1,619	2,009	1,968
12 Towns. Total,	27,910	28,508	32,351	32,488
COUNTY OF SENECA.				
Covert,	1,791	1,615	1,744	2,398
Fayette,	3,214	3,461	3,902	3,781
Junius,	1,581	1,517	1,594	1,606
Lodi,	1,786	1,772	2,238	2,246
Ovid,	2,756	2,997	2,719	2,129
Romulus,	2,089	1,793	2,066	1,894
Seneca Falls,	2,602	3,786	4,101	3,997
Tyre,	1,482	1,527	1,507	1,304
Varick,	1,890	1,950	1,971	1,983
Waterloo,	1,837	2,209	3,026	3,634
10 Towns. Total,	21,031	22,627	24,868	24,972
COUNTY OF STEUBEN.				
Addison,	944	1,388	1,919	2,432
Avoca,				1,668
Bath,	3,387	4,109	4,796	4,976
Bradford,			1,545	1,715
Cameron,	924	1,224	1,349	1,189
Campbell,		842	850	957
Canisteo,	620	780	941	1,170
Caton,			797	1,051
Cohocton,	2,711	2,855	2,985	2,656
Dansville,	1,728	2,558	2,725	2,910
Erwin,	795	1,089	782	1,033
Greenwood,	852	1,140	1,138	903
Hartsville,				759
Hornby	1,572	972	1,048	1,294
Hornelsville,	1,364	1,850	2,121	1,761
Howard,	2,463	3,037	3,250	2,989
Jasper,	657	984	1,187	1,384
Lindley,			638	639
Orange,	2,391	2,724	1,822	1,756
Painted-Post,	974	1,619	1,672	2,521
Prattsburgh,	2,399	2,557	2,442	2,503
Pulteney,	1,730	1,822	1,782	1,800
Reading,	1,568	1,644	1,535	1,555
Thurston,				576
Troupsburgh,	666	876	1,172	1,498
Tyrone,	1,880	2,106	2,098	1,165
Urbana,	1,288	1,642	1,889	2,046

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Wayne,	1,178	1,350	1,377	906
West Union,				880
Wheeler,	1,339	1,604	1,205	1,294
Woodhull,	891	972	820	1,122
31 Towns.	Total, 33,975	41,435	45,965	51,979
COUNTY OF SUFFOLK.				
Brookhaven,	6,[illegible]	6,866	7,050	7,461
Easthampton,	1,[illegible]	1,819	2,076	2,155
Huntington,	5,[illegible]	5,496	6,562	6,746
Islip,	1,[illegible]	1,528	1,909	2,008
Riverhead,	2,[illegible]	2,138	2,449	2,378
Shelter Island,	320	324	379	446
Smithtown,	1,[illegible]	1,550	1,932	1,897
Southampton,	4,[illegible]	5,275	6,205	7,214
Southold,	2,[illegible]	2,236	2,907	4,161
9 Towns.	Total, 26,780	28,274	32,469	34,979
COUNTY OF SULLIVAN.				
Bethel,	1,[illegible]	1,247	1,483	1,[illegible]
Cochecton,	438	528	622	896
Collikoon,				605
Fallsburgh,	1,173	1,533	1,782	2,370
Forrestburgh,			443	477
Liberty,	1,277	1,331	1,570	1,889
Lumberland,	955	1,179	1,205	1,607
Mamakating,	3,062	3,115	3,418	3,514
Neversink,	1,258	1,380	1,681	1,965
Rockland,	547	744	826	1,070
Thompson,	2,459	2,698	2,610	2,825
11 Towns.	Total, 12,372	13,755	15,630	18,727
COUNTY OF TIOGA.				
Barton,	972	1,469	2,305	2,847
Berkshire,	1,683	964	955	878
Candor,	2,653	2,710	3,367	3,422
Newark,	1,029	1,385	1,616	1,728
Nichols,	1,283	1,641	1,986	1,924
Owego,	3,080	4,089	5,329	6,104
Richford,		882	938	1,093
Spencer,	1,253	1,407	1,532	1,682
Tioga,	1,411	1,987	2,323	2,778
9 Towns.	Total, 13,364	16,534	20,351	22,456

COUNTY OF TOMPKINS.

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Caroline,	2,633	2,581	2,459	2,534
Danby,	2,481	2,473	2,570	2,494
Dryden,	5,206	5,851	5,433	5,230
Enfield,	2,332	3,240	2,343	2,283
Groton,	3,597	3,512	3,618	3,353
Hector,	5,212	5,663	5,654	5,904
Ithaca,	5,270	5,556	5,811	6,055
Lansing,	4,020	3,592	3,673	3,463
Newfield,	2,664	3,296	3,572	3,665
Ulysses,	3,130	3,244	2,980	3,187
10 Towns. Total,	36,545	38,008	38,113	38,168

COUNTY OF ULSTER.

Esopus,	1,770	1,626	1,927	2,656
Hurley,	1,408	1,519	2,201	1,487
Kingston,	4,170	4,057	5,834	6,508
Lloyd,				2,035
Marbletown,	3,223	3,269	3,812	3,143
Marlborough,	2,272	2,434	2,524	2,429
New Paltz,	5,105	5,480	5,412	2,818
Olive,	1,636	1,793	2,023	2,225
Plattekill,	2,044	2,008	2,123	2,131
Rochester,	2,420	2,665	2,674	2,688
Rosendale,				1,802
Saugerties,	3,750	4,942	6,119	6,529
Shandaken,	966	1,363	1,464	1,981
Shawangunk,	3,681	3,690	3,885	4,011
Wawarsing,	2,738	3,734	4,044	4,922
Woodstock,	1,376	1,478	1,692	1,542
16 Towns. Total,	36,559	39,960	45,724	48,907

COUNTY OF WARREN.

Athol,	707	987	1,210	1,342
Bolton,	1,466	1,496	1,153	1,110
Caldwell,	798	640	635	725
Chester,	1,284	1,361	1,623	1,608
Hague,	721	769	610	617
Horicon,			663	840
Johnsburgh,	985	1,016	1,156	1,297
Luzerne,	1,362	1,387	1,287	1,380
Queensbury,	3,080	3,088	3,664	4,442
Warrensburgh,	1,191	1,290	1,469	1,547
10 Towns. Total,	11,795	12,034	13,470	14,908

COUNTY OF WASHINGTON.

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Argyle,	3,459	3,013	3,113	3,241
Cambridge,	2,319	2,105	2,004	2,175
Dresden,	475	659	697	674
Easton,	3,753	2,908	3,002	2,825
Fort Ann,	3,201	3,242	3,559	3,380
Fort Edward,	1,816	1,784	1,728	1,711
Granville,	3,882	3,862	3,846	3,500
Greenwich,	3,850	3,363	3,379	3,681
Hampton,	1,069	933	972	871
Hartford,	2,420	2,223	2,158	2,094
Hebron,	2,685	2,468	2,498	2,350
Jackson,	1,054	1,739	1,730	1,815
Kingsbury,	2,606	2,426	2,773	2,796
Putnam,	718	731	785	783
Salem,	2,972	2,682	2,855	2,588
White Creek,	2,448	2,111	5,204	2,107
Whitehall,	2,888	3,076	3,810	3,954
17 Towns. Total,	42,615	39,326	41,095	40,554

COUNTY OF WAYNE.

Arcadia,	3,774	4,999	4,982	4,979
Butler,	1,764	2,160	2,287	2,258
Galen,	3,631	3,775	4,245	4,458
Huron,	1,082	1,831	2,020	1,909
Lyons,	3,603	4,013	4,300	4,269
Macedon,	1,990	2,190	2,397	2,359
Marion,	1,982	2,043	1,903	1,869
Ontario,	1,587	1,626	1,890	1,906
Palmyra,	3,434	3,326	3,550	3,542
Rose,	1,641	1,715	2,031	2,060
Savannah,	886	1,324	1,707	1,803
Sodus,	3,528	4,079	4,393	4,565
Walworth,	1,781	1,798	1,734	1,575
Williamson,	1,788	2,017	2,147	2,139
Wolcott,	1,085	1,793	2,482	2,826
15 Towns. Total,	33,555	37,788	42,068	42,515

COUNTY OF WESTCHESTER.

Bedford,	2,570	2,735	2,822	2,725
Cortland,	3,840	3,994	5,592	6,738
Eastchester,	1,030	1,168	1,502	1,369
Greenburgh,	2,195	2,606	3,361	3,205
Harrison,	1,085	1,016	1,139	1,039

TOWNS.	POPULATION.			
	1830.	1835.	1840.	1845.
Lewisborough,	1,537	1,470	1,619	1,541
Mamaroneck,	838	882	1,416	780
Mount Pleasant,	4,932	5,757	7,308	2,962
Newcastle,	1,336	1,406	1,529	1,495
New Rochelle,	1,274	1,261	1,816	1,977
North Castle,	1,653	1,789	2,058	2,010
North Salem,	1,276	1,178	1,161	1,228
Ossinsing,				3,312
Pelham,	334	255	789	486
Poundridge,	1,437	1,426	1,407	1,427
Rye,	1,602	1,607	1,803	2,180
Scarsdale,	317	329	225	341
Somers,	1,997	1,900	2,082	1,761
Westchester,	2,362	3,044	4,154	5,052
White Plains,	759	876	1,087	1,155
Yonkers,	1,761	1,879	2,968	2,517
Yorktown,	2,141	2,212	2,819	2,278
22 Towns. Total,	36,456	38,790	48,687	47,578
COUNTY OF WYOMING.				
Attica,	2,485	2,581	2,709	2,382
Bennington,	2,217	2,676	2,367	2,104
Castile,	2,259	2,536	2,828	2,526
China,	2,387	1,279	1,437	1,643
Covington,	2,716	2,514	1,438	1,427
Gainesville,	1,820	2,097	2,367	1,897
Java,		1,972	2,331	2,331
Middlebury,	2,415	2,518	2,447	2,022
Orangeville,	1,525	1,791	1,949	1,410
Perry,	2,792	2,984	3,087	2,952
Sheldon,	1,731	2,186	2,366	2,435
Warsaw,	2,474	2,686	2,852	2,659
Wethersfield,	1,179	1,623	1,731	1,417
13 Towns. Total,	26,000	29,443	29,909	27,205
COUNTY OF YATES.				
Barrington,	1,854	1,937	1,869	1,783
Benton,	3,957	3,851	3,911	3,681
Italy,	1,092	1,245	1,633	1,698
Jerusalem,	2,783	2 843	2,934	2,710
Middlesex,	3,428	1,440	1,439	1,433
Milo,	3,620	3,824	3,985	4,559
Potter,		2,256	2,245	2,374
Starkey,	2,285	2,400	2,426	2,539
8 Towns. Total,	19,019	19,796	20,442	20,777

ALPHABETICAL LIST OF

MEMBERS AND OFFICERS

OF THE CONVENTION OF THE STATE OF NEW-YORK, 1846,

With their place of residence in the City of Albany, and nearest Post-Office to their permanent residence.

Hon. JOHN TRACY, President (Oxford, Chenango Co.) Delavan House.

Names of Members.	*County.*	*Nearest Post-Office.*	*Boarding Houses.*
Allen, Stephen	New-York,	New-York,	Congress Hall.
Angel, William G.	Alleghany,	Angelica,	American Hotel.
Archer, Ornon	Wayne,	Walworth,	Franklin House.
Ayrault, Allen	Livingston,	Geneseo,	Congress Hall.
Backus, F. F.	Monroe,	Rochester,	Eagle Tavern.
Backus, Harry	do	Brockport,	do. do.
Baker, Albert L.	Washington,	Greenwich,	American Hotel.
Bascom, Ansel	Seneca,	Seneca-Falls,	do. do.
Bergen, Tunis G.	Kings,	Fort Hamilton,	Congress Hall.
Bouck, Wm C.	Schoharie,	Fultonham,	Miss Carter's.
Bowdish, John	Montgomery,	Root,	Washington Hall.
Brayton, Hervey	Oneida,	Westernville,	Delavan House.
Brown, John W.	Orange,	Newburgh,	Congress Hall.

Names of Members.	*County.*	*Nearest Post-Office.*	*Boarding Houses.*
Bruce, Benjamin F.	Madison,	Lenox,	Delavan House.
Brundage, Benjamin S.	Steuben,	Greenwood,	Mansion House.
Bull, Absalom	Erie,	Black-Rock,	Delavan House.
Burr, Isaac	Delaware,	Meredith,	51 North Pearl-street.
Cambreleng, Churchill C.	Suffolk,	Huntington,	Congress Hall.
Campbell, Daniel D.	Schenectady	Schenectady,	do. do.
Campbell, Robert Jr.	Steuben,	Bath,	American Hotel.
Candee, Julius	Oneida,	Waterville,	Delavan House.
Chamberlain, Calvin T.	Alleghany,	Cuba,	Stanwix Hall.
Chatfield, Levi S.	Otsego,	Laurens,	Miss Fitche's.
Clark, Sereno	Oswego,	Constantia,	United States.
Clyde, George C.	Columbia,	Chatham-Centre,	Delavan House.
Conely, Wm. S.	New-York,	New-York,	do. do.
Cook, James M.	Saratoga,	Ballston Spa,	Mansion House.
Cornell, Benjamin F.	New-York,	New-York,	Delavan House.
Crooker, George A. S.	Cattaraugus,	Conewango,	Eagle Tavern.
Cuddeback, Lewis	Orange,	Cuddebackville,	American.
Dana, Federal	Madison,	Nelson,	Delavan House.
Danforth, Azel W.	Jefferson,	Philadelphia,	209 State-street.
Dodd, Edward	Washington,	Argyle,	American Hotel.
Dorlon, Robert	Greene,	Catskill,	Delavan House.
Dubois, Peter K.	Dutchess,	Crum Elbow,	American.
Flanders, Joseph R.	Franklin,	Fort Covington,	Franklin House.
Forsyth, James C.	Ulster,	Kingston,	Congress Hall.
Gardner, Hiram	Niagara,	Lockport,	Delavan House.
Gebhard, John Jr.	Schoharie,	Schoharie,	Washington Hall.
Graham, George G.	Ulster,	Shawangunk,	American.
Greene, Alpheus S.	Jefferson,	Watertown,	Delavan House.

Harris, Ira	Albany,	Albany,	792 Broadway.
Harrison, John T.	Richmond,	Fort Richmond,	Congress Hall.
Hart, Orris	Oswego,	Oswego,	Franklin House.
Hawley, Alonzo	Cattaraugus,	Hinsdale,	Eagle Tavern.
Hoffman, Michael	Herkimer,	New-York,	American.
Hotchkiss, William	Warren,	Chestertown,	165 Hudson-street.
Hunt, John H.	New-York,	New-Rochelle,	Delavan House.
Hunter, John	Westchester,	Pelham,	Congress Hall.
Huntington, Abel	Suffolk,	Easthampton,	E. A. Huntingdon, N. Pearl.
Huntington, Edward	Oneida,	Rome,	Congress Hall.
Hutchinson, John L.	Fulton and Hamilton,	Garoga,	Franklin House.
Hyde, John	Broome,	Hyde Settlement,	Stanwix Hall.
Jones, David R. Floyd	New-York,	New-York,	110 Washington-street.
Jordan, Ambrose L.	Columbia,	New-York,	American.
Kemble, Gouverneur	Putnam,	Cold Spring,	Congress Hall.
Kennedy, John A.	New-York,	New-York,	Delavan House.
Kernan, Wm.	Steuben,	Wayne,	Mansion House.
Kingsley, Cyrus H.	Onondaga,	Van Buren,	Mrs. Atkins, 177 State-st.
Kirkland, Charles P.	Oneida,	Utica,	Congress Hall.
Loomis, Arphaxed	Herkimer,	Little-Falls,	American.
Mann, George S.	New-York,	New-York,	95 Columbia-street.
McNeil, Elihu M.	Jefferson,	Smithville,	Clinton Hotel.
McNitt, John W.	Niagara,	Somerset,	Delavan House.
Marvin, Richard P.	Chautauque,	Jamestown,	D. Newland, Broadway.
Maxwell, Wm.	Chemung,	Elmira,	Congress Hall.
Miller, John	Cortland,	Truxton,	Delavan House.
Morris, Robert H.	New-York,	New-York,	Congress Hall.
Munro, David	Onondaga,	Elbridge,	do. do.
Murphy, Henry C.	Kings,	Brooklyn,	do. do.
Nellis, John	Montgomery,	Palatine,	Delavan House.

Names of Members.	*County.*	*Nearest Post-Office.*	*Boarding Houses.*
Nelson, Samuel	Otsego,	Cooperstown,	Congress Hall.
Nicholas, Robert C.	Ontario,	Geneva,	Eagle Tavern.
Nicoll, Henry	New-York,	New-York,	144 State-street.
O'Conor, Charles	do.	do.	Congress Hall.
Parish, Russell	Lewis,	Lowville,	Delavan House.
Patterson, George W.	Chautauque,	Barcelona,	Eagle Tavern.
Penniman, Wm.	Orleans,	Eagle Harbor,	No. 15 Jay-street.
Perkins, Bishop	St. Lawrence,	Ogdensburgh,	Miss Fitche's, State-street.
Porter, John K.	Saratoga,	Waterford,	Mansion House.
Powers, James	Greene,	Catskill,	American Hotel.
Rhoades, Elijah	Onondaga,	Manlius,	Delavan House.
Richmond, Samuel	Genesee,	Bergen,	Miss Fitche's.
Riker, John L.	Queens,	Astoria,	Congress Hall.
Ruggles, Charles H.	Dutchess,	Poughkeepsie,	do. do.
Russell, John L.	St. Lawrence,	Canton,	Mansion House.
Salisbury, Aaron	Erie,	East Evans,	Clinton Hotel.
Sanford, Jonah	St. Lawrence,	Hopkinton,	Franklin House.
Sears, Thomas B.	Tompkins,	Searsburg,	U. S. Hotel.
Shaver, Peter	Albany,	Dusensville,	15 Jay-street.
Shaw, Daniel J.	Cayuga,	Summer Hill,	Delavan House.
Sheldon, Elisha W.	do.	Sennett,	do. do.
Shepard, Lorenzo B.	New-York,	New-York,	do. do.
Simmons, George A.	Essex,	Keeseville,	do. do.
Smith, Elisha B.	Chenango,	Norwich,	Congress Hall.
Spencer, Elijah	Yates,	Penn-Yan,	Miss Carter's.
Spencer, Wm. H.	Livingston,	Geneseo,	do. do.

St. John, David B.	Otsego,	Edmeston,	Franklin House.
Stanton, Benjamin	Albany,	South Westerlo,	224 State-street.
Stephens, John L.	New-York,	New-York,	Congress Hall.
Stetson, Lemuel	Clinton,	Keeseville,	City Hotel.
Stow, Horatio J.	Erie,	Buffalo,	Delavan House,
Strong, Enoch	Monroe,	Perinton,	United States Hotel,
Swackhamer, Conrad	Kings,	Williamsburg,	Franklin.
Taft, Horatio N.	Wayne,	Lyons,	Mansion House,
Taggart, Moses	Genesee,	Batavia,	Miss Fitche's.
Tallmadge, James	Dutchess,	New-Hamburgh,	Congress Hall.
Taylor, John J.	Tioga,	Owego,	American Hotel.
Taylor, William	Onondaga,	Manlius,	Mrs. Atkins, 177 State-st.
Tilden, Samuel J.	New-York,	New-York,	Congress Hall.
Townsend, Solomon	do.	do.	144 State-st.
Tuthill, Geo. W.	Orange,	Bloomingrove,	64 Chapel-st.
Vaché, Alex. F.	New-York,	New-York,	Congress Hall.
Van Schoonhoven, Wm. H.	Rensselaer,	Troy,	City Hotel.
Ward, Aaron	Westchester,	Sing-Sing,	Congress Hall.
Warren, Perry	Rensselaer,	Pittstown,	Eagle Tavern.
Waterbury, David S.	Delaware,	Pepacton,	No. 51 N. Pearl.
White, Campbell P.	New-York,	New-York,	Congress Hall.
Willard, Horace K.	Albany,	Knox,	224 State-street.
Witbeck, Abram Jr.	Rensselaer,	Defreestville,	Greenbush,
Wood, John J.	Rockland,	Clarkstown,	No. 15 Jay-street,
Worden, Alvah	Ontario,	Canandaigua,	Congress Hall.
Wright, Amos	Erie,	Clarence,	City Hotel.
Wright, Wm. B.	Sullivan,	Monticello,	Eagle Tavern.
Yawger, Peter	Cayuga,	Spring Port,	Delavan House.

Names of Members.	*County.*	*Nearest Post-Office.*	*Boarding Houses.*
Young, Andrew W. . .	Wyoming, . . .	Warsaw, . . .	No. 15 Jay-street.
Youngs, John . . .	Tompkins, . . .	McLean, . . .	U. S. Hotel.

JAMES F. STARBUCK, Secretary (Watertown, Jefferson co.), Delavan House.
HENRY W. STRONG, do. (Troy, Rensselaer), Troy.
FRANCIS SEGER, do. (Greig, Lewis co.)
ABNER N. BEARDSLEY, Librarian (Brooklyn, Kings), Townsend House.
HIRAM ALLEN, Sergeant-at-Arms (Chatham 4 Corners, Columbia co.), Franklin House.
HEMAN R. HOWLETT, Doorkeeper (Babylon, Suffolk), Carlton House.
WM. S. ROSS, 1st Assistant Doorkeeper (New-York), Washington Hall.
FRANCIS BRADT, 2d do. do. (Albany), 136 North Pearl-street.
JABEZ LEWIS, 3d do. do. (Onondaga co.)

CONVENTION MANUAL.

THE FOLLOWING REPORT WAS ADOPTED JUNE 10, 1846, BY THE STATE CONVENTION, ON THE SUBJECT OF A MANUAL FOR THEIR USE.

MR. RUSSELL, from the Committee to which was referred the Resolution and proposed Amendments on the subject of Printing the State Constitutions and other kindred matters, made a report as follows:—

The Committee to whom was referred several propositions of Members of the Convention for the printing of the Constitutions of the several States, with other matters for the use of the Convention, respectfully Report:—

That the Committee have given their attention to the subject referred to them. They are not able to report that a Publication of all the existing Constitutions of the several States can be procured at a day sufficiently early for the exigency. It was supposed that a publisher, in New York City, could furnish such a work. But the Committee have recently ascertained, that the work in print, above referred to, is an excellent Synopsis—but not a complete imprint of the several State Constitutions.

A work published in Philadelphia, in 1844, contains the Constitutions of 26 States, as they existed three or four years since. The Committee know of no better source for supplying the Members of the Convention, as soon as desirable, with copies of all the Constitutions, than by procuring this Publication, and afterwards supplying the defects of that book, by new publications of the several new Constitutions not contained in it. The Committee

therefore propose to procure one copy of the book styled "*American Constitutions*," for each Delegate, to be delivered immediately to the Delegates, and another book to be printed, containing other State Constitutions, with such other matters as the Convention may deem expedient, of which the Committee suggest the following.

1. The Constitutions of States and Territories perfected by Conventions, but which have not yet been ratified by the people, and the Synopsis above referred to, and all amendments to said Constitutions, made at any time prior or subsequent to the publication of said Constitutions above referred to.

2. The acts of 1821 and 1845, recommending Conventions in this State.

3. The Rules adopted by the Convention.

4. An Abstract of the Census of 1845, so far as the same may be necessary for reference by Members of the Convention.

5. The Names, Ages, and Occupation of the Delegates to the Convention, with their Residences and Post-Office addresses—also the like description of the Officers elected by the Convention.

6. The standing Committees of the Convention, appointed before the publication.

7. Other statistical information which the Convention may order printed before the book shall come from the press—with the usual Diagram of the room occupied by the Convention.

The Committee believe that these two Publications, on the desks of all the Members for convenient reference during the debates, will much facilitate the deliberations, and aid the Convention materially in its conclusions. The Committee do not ask to be discharged at present, but are willing to superintend the proposed printing, if such shall be the pleasure of the Convention.

They conclude by recommending the passage of the following resolution.

Resolved:—That the Secretaries be authorized to procure for each member of the Convention, a copy of the "*American Constitutions*" mentioned above, and also to cause to be printed under

the direction of the Convention, a copy for each member and officer of the Convention, and each reporter, of the publication lastly proposed in the foregoing report, and that the expense of procuring both works be certified to the Comptroller.

Respectfully Submitted,

JOHN LESLIE RUSSELL,
JOHN BOWDISH,
CHARLES P. KIRKLAND,
Committee.

July 6th, 1846.

CONVENTION
1846